

## **SERVICES TO BIRTH/LEGAL PARENTS**

### **Introduction**

Adoption services for birth/legal parents considering adoptive placement for their child should focus on helping parents make an informed decision about the appropriateness of adoption for themselves and their child. Birth/legal parents need to understand that their decision will affect them, their child, and an adoptive family. When appropriate, the case manager will assist the birth parent(s) in assessing their desired level of openness in making an adoption plan for their child. When openness is not an appropriate or acceptable plan, birth/legal parents must also realize that adoption may mean separation from the child for life and/or that the child, when an adult, may want to find them.

### **Legal Base**

TCA 36-1-101—36-1-141

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**Forms**

	Authorization for Release of Information
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CS-0456	In State Certification/Verification of Birth or Death
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CS-0427	Child's Medical Record
CS-0440	Medical/Social History of Child and Child's Family
CS-0435	Request for Name and/or Address of a Father of Child Born Out of Wedlock

## **I. BIRTH/LEGAL PARENT PRE-ADOPTIVE COUNSELING**

**What:** DCS provides counseling to birth/legal parents in considering and developing an adoption plan, regarding parental rights and responsibilities to birth/legal parents, including alternatives to adoption.

**When:** Upon request for voluntary adoptive planning or upon referral from within DCS or from community sources.

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

#### **1. Assessment**

A. Address the following alternatives to adoption and services available as appropriate:

- Determine the birth/legal parents' motivation and interest in planning for the child and the services required for the parents and child;
- The birth/legal parents' desire and ability to care for the child (providing physical safety and nurturing, encouraging emotional development, and bonding);
- Support/resources available to birth/legal parents;
- Services needed to support their decision regarding placement/parenting of their child;
- The availability of services to the parent such as:

Maternity home care  
Day care  
Employment counseling and/or  
referral to Employment  
Security

Referral to Vocational Rehabilitation  
 Referral for medical and/or psychological services  
 Referral for family counseling  
 Referral for financial assistance based on eligibility such as SSI, Families First, or food stamps  
 Foster Care in a family home or institution (available only to minors in DCS custody)  
 Referral to Child Support Services for enforcement of support from a parent able to contribute to the care of the child;

- Availability of relatives willing, able, and/or appropriate to care for the child;
- Pregnancy planning.

**2. Supporting the Parenting/Placement Decision**

- A. Refer parents to appropriate programs and services.
- B. Provide services available through the Department of Children's Services to support the parents' placement decision up to three months after the child's birth.

(CR: Birth/Legal Parent Adoptive Counseling)

(CR: Services to the Child)

**3. Case Maintenance**

- A. Register the child on TN KIDS if he/she is already born. If child is unborn, register him/her immediately upon birth.
- B. Complete an Authorization for Release of Information Form.

## **II. BIRTH/LEGAL PARENT ADOPTIVE COUNSELING**

**What:** DCS provides counseling regarding the decision to place a child for adoption and interprets the meaning of adoption for the parents and child.

**When:** When the birth/legal parents are seriously considering proceeding with the adoptive plan.

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

#### **1. Adoptive Counseling**

In exploring the positive aspect of planning for the child's care when the birth/legal parents are unable to provide care themselves, or when the following issues should be addressed:

- The legal process for terminating parental rights or securing a voluntary surrender so that the child could be legally free for adoption;
- Identify all parents (birth/legal mother, birth/legal father(s), and alleged father(s)) whose rights are to be terminated or surrendered;
- Explain the necessity of giving full information regarding the identity of the father and the consequences of withholding this information;
- The need to legally terminate parental rights for all legal parents and for fathers of children born out of wedlock. A diligent search must be conducted to locate these parents when their whereabouts are unknown; (WA: Conducting A Diligent Search)

##### **1. Legal Parents include:**

- \* Biological/legal mother;
- \* Any man who was married to the mother when the child was born or

when the child was conceived. Tennessee statute (TCA 36-102(26)(B)) assumes that if the child was born no more than 300 days after the divorce, then the child must have been conceived during the marriage;

- \* Any man who has been declared the father in any paternity or legitimization case;
- \* Any man who has signed an unrevoked acknowledgment of paternity. This procedure may have been done at the hospital at the time of the child's birth that resulted in a legitimization order. Although a name appears on a child's birth certificate as the father, an order of legitimization must have been issued;
- \* Any parent who has adopted a child.

## 2. Alleged/biological/putative fathers

Rights of some biological fathers must also be terminated. Even if there is a legal father, DCS must also terminate the rights of any alleged/putative/biological father who has:

- \* Filed a legitimization petition;
- \* Put his name on the putative father registry either before the child was born or within 30 days after birth, and kept his address current;
- \* Been identified by the mother in a sworn, written statement, or by other information which the court determines to be credible and

reliable. (Confer with DCS legal counsel, if necessary);

- \* Claimed to the mother or DCS that he is the father;
- \* Been named on the birth certificate;
- \* Been openly living with the child and holding himself out to be the father at the time of the removal;
- \* Entered into a permanency plan in which he acknowledges paternity of the child.

If a father wishes to register an intent to claim paternity or acknowledgement of paternity, Department of Children's Services must provide Form CS-0439 Notice of Intent to Claim Paternity of a Child Born Out of Wedlock. Likewise, if a mother wishes to sign a sworn statement to identify the father, Department of Children's Services must help her do so.

Explain to an alleged father his right to sign a Waiver of Intent if he is denying paternity. (CR: Agency Surrender)

DCS must advise the father of a child born out of wedlock that he may receive notice of an adoption proceeding when any of the above conditions apply.

### 3. Unknown Fathers

As a matter of policy Department of Children's Services does not file termination petitions against unknown fathers. There are courts who occasionally do not want to enter adoption orders unless this has been done. In this case, confer with staff attorney.

#### 4. Unnamed Fathers

If a mother appears to know the identity of the father, but refuses to divulge his identity, Department of Children's Services is prepared to use all legal options, including criminal prosecution, to learn the identity of the father prior to placing the child for adoption.

#### 5. Other Guardians

If someone other than a legal or biological parent has obtained guardianship of the child through a court order, parental rights must be terminated before DCS can place the child for adoption. This is usually in those situations when a surrender was given to prospective adoptive parents, or an adoption petition was filed but no adoption was actually completed. Because the adoption was not final, the petitioners would not be considered legal parents, however they had acquired rights that courts recognize. If this situation occurs, consult with the DCS legal counsel.

- Explain the legal process of adoption, including the court's decision to grant adoption and establish a parental relationship and DCS's responsibility to the court for reporting information about:
  - \* The child's appropriateness for adoption;
  - \* The child's birth relatives;
  - \* The suitability of the adoptive family;
- Discuss how adoptive families are approved and the process of how adoptive placement decisions are made based on selection



criteria that focus on the family's ability to meet the needs of the child;

- Explain the process of sealing adoption records upon final order granting or dismissing the adoption and storing them permanently in the State Archives;
- Explain that identifying/non-identifying information may be released to or contact sought by the adult adopted person, his or her birth or adopted relatives; (CR: Post Adoption Services)
- Discuss the birth/legal parents' involvement in the adoption process and preparation of a non-identifying letter describing their decision for adoption. Explain that a DCS case manager reviews and approves the letter and gives it to the adoptive parents at the time of placement. DCS keeps a copy of the letter in the child's case record;
- Explain that all contacts to request a service or share information after finalization of adoption should be made to the Post Adoption Services, Central Office;
- Request the birth/legal parents to contact the Adoption Services, Central Office if they learn of health or other factors that may affect the child's future development.

## **2. Birth Verification**

Obtain verification of the birth/legal parent(s)' birth. If necessary, submit Form CS-0456 - In State Certification/Verification of Birth or Death or Form CS-0528 - Out of State Certification/Verification of Birth, Death, Marriage or Divorce to obtain this verification.

Obtain verification of child's birth. If necessary, submit Form CS-0456 - In State Certification/Verification of Birth or Death or Form CS-0528 - Out of State Certification/Verification of Birth, Death, Marriage, or Divorce to obtain this verification.

**NOTE:** Out of State verifications of birth, death, marriage or divorce must be submitted through DCS Fiscal Services with a copy of the court order awarding custody to DCS.

### 3. Reporting Status

Register the child on TN KIDS if he/she is already born. If child is unborn, register him/her immediately upon birth.

## **Work Aid: Conducting A Diligent Search**

During the development of the permanency plan every effort must be made to locate legal or birth parents. Sometimes their whereabouts are unknown. The following is the procedure for conducting a diligent search for a known or unknown parent. The home county case manager shall:

1. Contact all known relatives and friends for information pertaining to the identity and possible whereabouts of the parent. Provide the relative's or friend's address to the regional staff attorneys as a means of personal service (DUE PROCESS) when the parent is believed to frequent that address.
2. Review social service/Families First/IV-D records for identification of the parent and last known whereabouts.
3. Request information from the records of another state if the parent is thought or alleged to be in another state. See procedures for Interstate/Intercounty Services.
4. Check post offices, cross city directories, and telephone directories for name and address listing.
5. Check police records for any record of address.
6. Send a letter to the last known address marked "Address Correction Requested - Do Not Forward" when a current address is unknown.
7. Check with Department of Safety for an address.
8. Check with appropriate branch of service for a current address and determine if the parent is presently a member of that branch of service when the parent is thought or alleged to be in the military service or recently discharged.
9. Check with the appropriate school for information concerning the parent's whereabouts when the parent is thought or alleged to be a student.
10. Check the following sources:
  - \* last known landlord;
  - \* Employment Security;
  - \* last known employer;
  - \* utility companies;
  - \* court records, such as Tax Assessor, Registrar of Deeds, County Court Clerk, as appropriate.
11. Explore all other leads to determine the whereabouts of the parent.
12. Document your efforts to complete the Diligent Search in the case record.

### III. OPENNESS IN ADOPTION

**WHAT:** DCS provides information regarding openness in adoption and can act as negotiator for birth/legal families and adoptive families in developing a plan for the desired level of openness

**WHEN:** Issues of openness in adoption are presented and discussed with adoptive parents during the home study process. Birth/legal families will be included in planning when parental rights are being terminated by voluntary surrender, and when they are appropriate candidates for openness

**WHO:** Adoption Services Case Manager or designated staff

**NOTE:** Openness in adoption is prohibited in situations where rights of the birth/legal parent were terminated involuntarily due to a crime of violence, neglect, or crimes against any child. There is no Tennessee statute regarding openness in adoption. Both birth and adoptive parents must understand that any agreement made regarding openness are honor-bound, rather than law-enforced. Because there is no legal basis for openness, adoptive parents can choose at any time to limit, change, or stop contact with the birth family if they feel this is in the best interest of the child. Birth parents have no legal recourse in this decision.

#### Steps:

##### 1. Defining openness in adoption

Openness in adoption is a plan in which identifying or non-identifying information is openly shared between birth and adoptive parents. A continuum of openness ranges from the exchange of non-identifying information to ongoing contact between families after finalization.

The case manager helps birth and adoptive families negotiate their plan. (WA: Purpose of Openness in Adoption and WA: Continuum in Open Adoption)

##### 2. Explaining Openness in Adoption to Birth Family and Adoptive Family

Share the following information with birth and adoptive families:

- Openness in adoption is child-centered. Its foremost reason is to benefit the adopted child. By this means the child is affirmed by all the people in his/her life.

- It establishes honesty, freeing all involved from the burden of carrying secrets.
- It shows respect for all parties involved.
- It is a process in which both families have control in creating a plan that is right for their situation.
- Both families have ongoing responsibility in carrying out the plan.
- Trust grows as a result of affirming behavior by all parties reliably demonstrated over time.
- Openness in adoption is not co-parenting. Only the adoptive parents have full legal caretaker rights and responsibilities.
- It helps the child understand that adoption is a fact of his/her life.
- It helps the child understand how he/she is related to the various people in his/her life.
- It helps the child understand the facts of the child's life and the relationships that organize it.
- It helps the child establish his/her personal identity which requires understanding the contributions of the various parties in his/her life.

### **3. Assessing birth and adoptive families for openness in adoption**

The decision to pursue openness in adoption is complex. Efforts to evaluate birth and adoptive parents must be based on the needs of the child. Some parents are not appropriate candidates for openness in adoption. (WA: Assessing Birth Families And Adoptive Families For Openness In Adoption)

### **4. Openness in adoption issues for foster/adoptive**

Many foster families have had direct contact direct contact with the birth family, and there

**families**

is already a degree of openness.

Foster/adoptive families may need help from the case manager in redefining their relationship with birth parents after adoptive placement. This redefining acknowledges the existence of information and/or contacts shared prior to adoptive placement. DCS will not negotiate openness between foster/adoptive and birth families when a birth parent is guilty of a crime of violence, neglect, or crimes against any child.

**5. Child's involvement in open adoption**

The case manager needs to determine the child's ability to participate in the decision about open adoption. The following factors should be considered:

- Age and developmental level;
- Emotional maturity;
- Past history with birth family;
- Attachment/bonding with members of birth family;
- Child's desire for continued contact with birth parents, siblings, other family members.

**6. Negotiating open adoption plan with birth parents, adoptive parents, and child**

Using the work aid, Openness in Adoption Continuum, the adoption Case Manager will discuss the levels of openness individually with all parties involved in developing a plan for the type of any future or ongoing contact. Parties include the birth parents, adoptive parents, and the child who is age and developmentally appropriate to be involved in the plan.

When selecting families for an adoptive placement, the birth parent's desire for openness should be considered. Similar comfort levels of openness will make

negotiation a more realistic endeavor between the adoptive parent and birth parent.

The Adoption Case Manager will assist each member of the triad to assess realistically their abilities and comfort level as to the degree of openness desired. The Case Manager is the facilitator of the plan for exchange of information and is a participant in any initial meetings between the birth parents and the adoptive parents.

Even though the Adoption Case Manager will negotiate the plan for openness among the parties, it will be with the understanding that the success and obligation to adhere to the plan is strictly between the parties involved and holds no legal basis for a continuing relationship.

## **Work Aid: OPEN ADOPTION CONTINUUM**

Categories:

- Sharing non-identifying information
- Non-identifying meeting
- On-going sharing of correspondence, pictures via the agency
- Having full identifying information
- Having full identifying information and one meeting
- On-going visits/contact directly between parents determined by the parties and re-negotiated, as needed, over time

Each step is sequential and must be completed before moving to next step.



## Work Aid: OPENNESS IN ADOPTION CONTINUUM

1	2	3	4	5
SHARING NON-IDENTIFYING INFORMATION	NON-IDENTIFYING MEETING	ONGOING SHARING OF LETTERS AND PICTURES VIA THE AGENCY	SHARING FULL IDENTIFYING INFORMATION AND ONE MEETING	SHARING FULL IDENTIFYING INFORMATION AND ONGOING MEETINGS
<ul style="list-style-type: none"> <li>• Birth/legal parent(s) provides background information for the preplacement summary</li> <li>• Birth/legal parent(s) provides adoption counselor with desired characteristics for adoptive parents.</li> <li>• Birth/legal parent(s) helps select a family from non-identifying profiles, autobiographies, etc.</li> <li>• Birth/legal parent(s) write a blessing letter to the child</li> <li>• Birth/legal parent(s) is given pictures of the child</li> <li>• Birth/legal parent(s) provides a gift to</li> </ul>	<ul style="list-style-type: none"> <li>• Birth/legal parent(s) and prospective adoptive parents meet once but do not exchange names or other identifying information</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to finalization of the adoption, DCS will facilitate the exchange of information sharing when birth/legal parent(s) and adoptive parents agree to exchange pictures, cards, and/or letters via the agency. By finalization, birth and adoptive parents will need to have reached a decision about the continuation of sharing information. After finalization of the adoption, all requests for contact and sharing of information will be forwarded to Post Adoption Services, Central Office to be maintained in the Post Adoption File. (CR: Forwarding Birth/Legal Parent Letters)</li> </ul>	<ul style="list-style-type: none"> <li>• Birth/legal parent(s) and adoptive parents exchange full identifying information and have one meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Birth/legal parent(s) and adoptive parents exchange full identifying information and have ongoing meetings</li> </ul>

accompany the  
child at time of  
placement with the  
adoptive family

- Birth/legal  
parent(s) agrees to  
keep agency  
informed  
periodically in the  
future as to their  
current address  
and circumstances  
and any  
discovered  
information that  
would need to be  
added to the  
child's background  
information.  
Especially  
important would be  
information  
regarding possible  
hereditary  
conditions. This  
information will be  
submitted by the  
Case Manager to  
the Post Adoption  
Services in Central  
Office. (CR: Post  
Adoption Services)

## Work Aid: Adoption Post Placement “Sharing Sheet”

CHILD’S NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

FAMILY NAME: \_\_\_\_\_ TYPE CONTACT: \_\_\_\_\_

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General Adjustment of Each Family Member: (give examples)

Feelings of Family Members:

Discipline Used: (give examples)

School Adjustment: (give examples)

Medical/Health Issues: (give specific dates/places if medical treatment obtained and diagnosis/prognosis)

Area of Success:

Areas That Need Attention:

Areas of Focus for Next Month:

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Adoption Counselor

## **Work Aid: ASSESSING BIRTH FAMILIES AND ADOPTIVE FAMILIES FOR OPENNESS IN ADOPTION**

The decision to pursue openness in adoption is complex. Efforts to screen parents must be based on the needs of the child. Some parents are not appropriate candidates for open adoption, however others may be educated as to the benefits of openness in adoption.

Openness in adoption is prohibited when parental rights were terminated due to a crime of violence, neglect or crimes against any child. If the birth/legal parent has mental problems, and/or drug or alcohol addiction, the birth/legal parent may not be a candidate for open adoption. If the adoptive parent has a pronounced need for predictability or control, he/she may not be a candidate for open adoption.

Based on experience, there is a clear vision of the qualities needed. Qualities needed include:

- Genuine respect for the other (birth or adoptive) family and for the child
- Integrity and history of dependability
- Flexibility and ability to improvise
- Clear agreement with the roles of parenting—birth, legal and parenting parent
- High tolerance for emotional pain
- Inner strength or faith

If openness in adoption is attempted by someone lacking the above qualities, problems are likely.

Crucial qualities to look for in persons who are candidates for openness in adoption are:

- Relationship skills
- An unquenchable desire to learn
- Humility, or being at peace with one's imperfections
- Leadership ability
- Compassion
- Foresight
- Intuitive understanding of why openness in adoption is based on a system that places the needs of the child first
- Affirming and inclusive personality

It helps to have these complementary characteristics:

- Humor
- Gratitude
- Gregariousness

- “Chooseability” (The ability of parents to present themselves as interesting and likeable candidates for a rewarding and enduring open adoption relationship.)

## **Work Aid: PURPOSE OF OPENNESS IN ADOPTION**

from James L. Gritter's  
*The Spirit of Open Adoption*  
CWLA Press, 1997

Open adoption is an effort to correct many short comings of closed adoption. The closed approach to adoption has many drawbacks, mostly linked to secrecy. It limits access to information so thoroughly that everyone involved--birth parents, adoptive parents, and adoptee lack the data needed to work through the unique issues they confront. In the absence of information, fantasy abounds. The closed system is an assembly line that stifles personal initiative and fosters total dependence on the system. The case manager is all-powerful in closed adoption. The closed system leaves many birth parents feeling like they have a loved one missing in action. Adoptees often feel a haunting sense of incompleteness. The closed system ties the hands of adoptive parents by depriving them of the information they need to meet the needs of their children effectively.

Open adoption emerged in the United States in the late 1970s as an alternative to and a remedy for the deficiencies of the closed system. It originated as an effort to correct the long standing emphasis on secrecy by giving participants the information they needed to find peace of mind. It recognized the uniqueness of each adoptive arrangement and worked to put control of the experience into the hands of those who lived it.

The existence of hundreds of adoption search and support groups around the country testifies to the fact that the closed system has generated a number of discomforted participants. Years of mostly satisfying results have established open adoption as the most promising approach to adoption.

Hundreds of children are adopted each year by foster parents, and most of them are familiar with the birth parents. Although these families typically know a great deal about each other, the missing piece usually is the relationship between them. They have some sort of relationship but it is left in vague, undefined terms. In some of these situations, parents take things into their own hands and spend time together and work things out. Too often the connection is left unattended, flapping in the wind. It is vital that professionals who help organize these adoptions assist the parents to understand the extremely meaningful and consequential relationships they are entering.

Open adoption must address the best interests of the child who is being adopted. Its purpose is to help the child's:

- Understanding that adoption is a fact of the child's life.
- Understanding of how he/she is related to the various people in his life
- Understanding of the facts of the child's life and the relationships that organize it.
- Growth in autonomy--developing a greater awareness of his/her adoption and moving toward a full partnership in the open adoption relationship.

- Establishing of identity--establishing personal identity requires understanding the contributions of various parties in the child's life; to help the adopted person determine how he/she is similar and dissimilar to birth parents and adoptive parents
- Assent to the plan—the adopted person has the information he/she needs to own his life experience
- Ability to give emotional gifts—the healthy adopted person can say, “I love you” to each set of parents

Every adoption plan must:

- Honor the adopted person. Every child deserves to be honored as a unique gift. The needs of the child are paramount.
- Be based on honesty. Accurate information equips people for effective living. Honesty produces the best results when it is coupled with a spirit of kindness.
- Be based on choices. People take responsibility for decisions when they freely choose them from real alternatives. Conversely, people tend to resent outcomes that result from coercion.
- Honor the pain. Adoption has a tragic element that cannot be ignored.
- Be covenantal. The quality of an adoption will depend on the integrity the participants bring to their commitments.
- Transform. Adoption is a life-altering experience for each person involved.
- Be adaptable. Adoptive relationships are dynamic, never stagnant.
- Build community. Adoption is best understood as a system.
- Each participant affects and is affected by the others in the extended adoptive clan

#### **IV. AGENCY SURRENDER**

**What:** DCS must advise the birth/legal parents of the right to surrender the child for adoption and that the surrender is final ten days after execution of the document. A surrender cannot be taken prior to a child's birth or before three days after a child's birth unless the court has just cause.

**When:** Adoption becomes the goal for the child.

**Who:** Adoption Services Case Manager or Designated Staff

#### **Steps:**

##### **1. Determining Jurisdiction and Venue**

A surrender done in Tennessee may be taken by the Judge of any juvenile, circuit, or chancery court. A juvenile court referee has the same authority as a juvenile court judge for this purpose.

A parent who is incarcerated in a federal or state prison (not a county jail) may surrender before the warden. A parent who is incarcerated in a county jail might be transported by local law enforcement to the judge/court to execute a surrender.

A parent who is in another state or a foreign country can surrender to the Department using the DCS form or, in some circumstances, can follow the applicable law in that jurisdiction.

##### **2. Venue Concerns After a Surrender**

After the first surrender is executed, the court which received the surrender automatically receives exclusive jurisdiction over the child until an adoption petition is filed.

If it is anticipated that there will be continuing legal issues for a court to consider with regard to the child, give careful consideration in which court the surrender is scheduled. Take into consideration that the court which accepts the surrender will also ratify the permanency plan, conduct permanency hearings, and resolve issues regarding the remaining parent (if there



is one). Unless it is anticipated that an adoption petition will be filed in the very near future, it should be arranged to have the surrender taken in juvenile court.

### **3. Obtaining a Surrender of Parental Rights To The Department of Children's Services**

Complete the appropriate surrender form according to the form instructions. (CR: Policy 15.03 Surrender of Parental Rights of a Child to the DCS)

- Form 1000 Forms For Surrender In Tennessee of Child To Tennessee Department of Children's Services or a Licensed Child Placing Agency By a Parent or Guardian in Tennessee.
- Form 1010 Form For Surrender of Child by Parent or Guardian in another State to the Tennessee Department of Children's Services or a Tennessee Licensed Child Placing Agency.
- Form 1020 Surrender of Child by Parent or Guardian Incarcerated in a State or Federal Penitentiary to the Tennessee Department of Children's Services or a Tennessee Licensed Child Placing Agency.
- Form 1030 Form For Surrender of Child by a Parent or Guardian Residing or Temporarily Residing in a Foreign Country to Tennessee Department of Children's Services or a Licensed Child Placing Agency.

Complete Form CS-0440 Medical/Social History for Child and Child's Family.

Complete the surrender and distribute it as follows:

- Original certified copy to be filed with the court;
- Certified copy to be filed in the case record;

- One certified copy to the surrendering parent.

Obtain a Guardianship Order following Step 4.

#### **4. Obtain a Guardianship Order**

The surrender itself terminates parental rights, but it is not sufficient to transfer guardianship. This must be done by a guardianship order. If a child is being surrendered to DCS in front of a judge, the judge is authorized to enter a guardianship order at the same time as the surrender.

If both parents surrender, obtain an order of guardianship; if only one parent surrenders, obtain an order of partial guardianship. (The guardianship order must be obtained within 30 days of the date of the surrender. If given sufficient notice prior to the surrender date the staff attorney may be able to prepare the guardianship order for the judge's signature at the time the surrender is accepted.)

In requesting area legal staff to prepare the guardianship order, the following information is to be shared:

- Full name(s) of parent(s) signing the surrender;
- Full name of the child as the name appears on the birth certificate and surrender;
- Date of birth of the child;
- Name of the court and judge taking the surrender;
- Date of the surrender.

#### **5. Reporting Status**

Report child's legal status to REACT.  
(CR: Policy 15.05 Registering and Maintaining Status of Children with REACT).  
Update TN KIDS.

#### **6. Obtaining a Surrender From**

Prepare and send a legal referral

## **Legal Father Who is Denying Paternity**

requesting a special surrender to the staff attorney. Include the following information:

- Mother's full name including maiden name;
- Father's full name;
- Verification of date/place of marriage, if applicable;
- Date/Place of child's birth;
- Child's full name as it appears on the birth certificate and the birth certificate number;
- How long the parents have been separated and the father's reasons for denying paternity of the child;
- Date, place, and Judge or Chancellor before whom the mother's surrender was executed.

Complete the surrender and distribute it as follows:

- Original certified copy to be filed with the court;
- Certified copy to be filed in the case record;
- One certified copy to the surrendering parent.

Obtain a Guardianship Order following Step 4.

## **7. Obtaining a Surrender From An Alleged Father**

Request that the alleged father of a child to be placed for adoption sign a Waiver of Interest in order to terminate his rights.

The Waiver of Interest is not valid for use by a legal father or for any man listed as the father on the child's birth certificate.

The Waiver of Interest must be executed before a notary public, but does not have to be signed before a judge.

Explain to the alleged father the importance of obtaining a Medical/Social History for Child and Child's Family. Have the alleged father complete Form Medical/Social History for Child & Child's Family. Offer to provide assistance, if needed.

File the original and a copy of the waiver document in the child's case record. It will be filed in the adoption court if the child is placed for adoption. Send a copy of the waiver to the staff attorney.

There is no procedure for revocation of a waiver. Once it is signed, it is final.

## **V. REVOCATION OF A SURRENDER**

**What:** DCS must assist birth/legal parent(s) in revoking their surrender of parental rights to their child.

**When:** When a birth/legal/alleged parent who has signed a surrender wishes to revoke that surrender.

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

#### **1. Revoking a Surrender**

A surrender may be revoked within ten days from the date of the surrender. Start the count on the day after the surrender. If the tenth day falls on a weekend or holiday, the parents have until the end of the first working day after the holiday or weekend. Weekends and holidays that fall in the middle of the ten day period are counted the same as working days.

A surrender that was taken before a judge in Tennessee should be revoked by signing the revocation forms in front of the same judge. If the same judge is not available, the surrender can be revoked in front of the original judge's successor or substitute. If the original judge is not available, and there is no successor or substitute available, the surrender may be revoked in front of any judge who has jurisdiction to accept surrenders.

A surrender taken before a prison warden must be revoked by signing the revocation forms in front of the same warden or his successor.

A surrender taken in another state or country should be revoked in front of the same person who took the surrender. If that is not possible, the parent may revoke in front of any judge who has domestic relations jurisdiction in that state or country.

The revocation documents are included in the packet of surrender forms.

If a surrender is revoked after a full or partial guardianship order has been obtained, that order must be set aside. Notify the staff attorney immediately to obtain the appropriate order for the Court.

## **2. Effect of Revocation**

Revocation of a surrender automatically restores the parties to the legal status they had prior to the surrender.

**Child already in State Custody:** If the Department of Children's Services had legal custody of the child before the surrender, the Department of Children's Services will still have legal custody of the child after the surrender is revoked.

**Child Who Came Into Care by Surrender:** If the Department of Children's Services received custody of the child as part of the surrender process, revocation of the surrender requires that we evaluate the safety and appropriateness of return of the child to the parent and either return the child within five days or file a petition to show cause why placement with the parent is inappropriate.

## **3. Responding to Revocation of a Surrender**

Evaluate the parent(s) ability to care for the child and to provide a safe home. Consult with the Team Leader.

If the decision is made to return the child, return the child within five days. Provide the parent(s) with the following:

- a schedule of the child's current routine;
- sufficient clothing and food for the child;
- description of any special care needed and dates of future medical appointments;
- any information necessary regarding physical, emotional, behavioral, or educational needs;

- any Department of Children's Services follow up services.

If the decision is made not to return the child, contact the staff attorney immediately to discuss filing a petition. This process is essentially the same as the emergency removal of a child in a CPS case. (CR: CPS Criteria for Emergency Removals) Filing the petition stops the return of the child to the parent(s). A probable cause hearing is held within three days and a final hearing within 30 days. At the 30 day hearing the court may award custody or guardianship to any appropriate agency or person.

#### **4. Reporting Status**

If the child is returned to the parent(s) update REACT with the Child Status Form. (CR: Policy 15.05 Registering and Maintaining Status of Children With REACT)

Update TN KIDS.

## VI. BACKGROUND INFORMATION

**What:** DCS must obtain full background information from the birth and legal parents of the child; and explain to them how that information is essential to the child. Because DCS is the only source for preserving adoption information, diligent efforts must be made to obtain valid information.

Full information includes:

- Social and medical history for maternal and paternal relatives.
- History of the child's development, care, training, medical treatment, religious affiliations, and school adjustment, if applicable;
- Reasons the birth/legal parents have chosen adoption;
- The parents' emotional and legal commitment to adoption for their child whether it be a legal risk, direct, or regular adoptive placement.

**When:** Immediately upon identification of adoption as the permanency goal.

**Who:** Adoption Services Case Manager or Other Designated Staff

### Steps:

#### 1. Child's Family Background Information

##### Infants

Secure copies of the child's birth record from the hospital.

Have the attending physician complete Form CS-0427, Child's Medical Record at the time of birth, or obtain copies of child's birth history and medical records, if available.

##### All Children

Have the birth/legal parents complete Form CS-0440 Medical/Social History for Child and Child's Family according to form instructions.

**NOTE:** When this form is being completed at the time of a surrender, the form must be notarized. When there is no surrender, the form must be completed but not notarized. File



Form Medical/Social History for Child and Child's Family).

Review all the medical/background information, and seek clarification and/or medical consultation, if necessary.

Review all information from the social/medical history needed for the preplacement/presentation summary, including a description of each parent; what he/she is like; the parents' relationship to each other and the child and the parents' stated reasons for adoption. (CR: Preparing the Preplacement Summary and Preparing the Presentation Summary)

## VII. CLEARING THE PUTATIVE FATHER REGISTRY

**What:** A Putative Father Registry clearance must be obtained in the process of freeing the child for adoption.

**When:** Adoption is the goal for the child.

**Who:** Adoption Services Case Manager or Designated Staff

### Steps:

**1. Form CS-0435, Request for Name and/or Address of a Father of Child Born Out Of Wedlock**

Complete the form and indicate the time frame in which the clearance is needed. Mail or fax the form to: Central Office, Adoption Services, Attention: Putative Father Registry.

**2. Time Frames**

The Putative Father Registry **should** be checked as soon as adoption becomes the goal for the child.

The Putative Father Registry **must** be checked within **three working days** of filing the termination petition for every child.

The Registry **must** be checked **three days** prior to the filing the adoption petition for every child. Coordinate this with the attorney handling the adoption and include the dated documentation in the confidential report to the court.

**3. Response from the Registry**

If a father is identified on the registry prior to filing the petition to terminate parental rights, notify the Department of Children's Services staff attorney immediately. The attorney will advise on how to proceed. When appropriate and the father wishes to plan for his child, DCS must provide services to the birth parent.

If a father is identified prior to filing a petition to adopt, notify the adoptive parent's attorney so he can give notice of the adoption proceedings to the father.

If no father is identified, notify as is appropriate, the Department of Children's Services legal counsel or the adoptive parent's attorney.

File the form in the record.

## **SERVICES TO THE CHILD**

### **Introduction**

Adoption Services is a child focused service based on the philosophy that every child deserves a safe, loving and nurturing family.

Adoption services for children focus on the following:

- identifying the needs of children;
- preserving information about their development and past;
- preparing them for adoption;
- recognizing their need to understand the reason for adoption;
- selecting the appropriate adoptive home.

To move forward in life, a child must have an understanding of the past. A Case Manager must also have a complete understanding of a child's history to determine the most suitable plan for the child and to select adoptive parents who can accept the child and to whom the child can respond.

### **Legal Base**

TCA 36-1-101—36-1-141

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Work Aid: Referral for Adoptive Services

Work Aid: Authorization for Adoption Services

## **Forms**

CS-0366	Child Placement Contract to Provide Temporary Foster Care Free Home Agreement
CS-0422	Mailing and Acknowledging Case Record, Record Materials and Forms
CS-0475	Child Welfare Benefits Application
CS-0476	Child Welfare Benefits Determination Notification of Change In Circumstances
CS-0477	Child Welfare Benefits Redetermination

## **I. GUIDELINES FOR TRANSFER OF CASES TO ADOPTION SERVICES**

**What:** Transfer the child's case record to adoption for permanent placement

**When:** The child's need for permanence can be met through adoption or legal risk placement

**Who:** Home county case manager providing services to the child

### **Steps:**

#### **1. Child appropriate for transfer**

A child who meets any of the following criteria is eligible for transfer:

- Child in full guardianship, through age 16, whose plan for permanency is adoption;
- Child in full guardianship, age 17 whose potential adoptive family is already identified;
- Child in partial guardianship where termination of parental rights had been filed on the remaining parent, either known or unknown. The Home County Case Manager will continue all contact and services to the birth family, including visitation, until termination of parental rights is final;
- Child who is voluntarily placed for the purpose of adoption;
- Child who is at risk for termination of parental rights that can benefit from the permanency of a family. The Home County Case Manager will continue all contact and services to the birth family, including visitation, until termination of parental rights is final. (CR: Considering Legal Risks and Free Home Placements, Assessing A Child for Permanency through Adoption, and Legal Risk Placement or Free Home Placement)

#### **2. Child Not Appropriate**

A child who meets any of the following criteria

## for Transfer

is not eligible for transfer:

- A therapeutic professional has assessed that the child's needs cannot be met in a family setting;
- The child's needs are so great that the necessary supportive services cannot be accessed in the community and/or supported through adoption assistance;
- The child's most immediate need is an appropriate residential treatment setting or intensive milieu;
- The child is of age of consent (14 years of age) and after adoption preparation services are provided refuses adoption.  
**NOTE:** Adoption preparation can be provided by the adoption team or a therapist.
- The foster parent cannot commit to adopt but will continue to foster the child; after child/family assessment it is determined to be in the child's best interest to remain with the foster family.

## 3. Time Frame

Cases involving full guardianship must be transferred for adoption services within 15 days of guardianship.

For cases where termination of parental rights has been filed, a case conference must be held with the adoption staff within 30 days of the petition being filed. If the child's case is accepted for transfer, the case must be transferred to the adoption staff within 30 days of the case conference. The home county case manager will continue all contact and services to the birth family including visitation until termination of parental rights.



**4. Coordination of service delivery for legal risk placement**

Adoption staff will facilitate placement with legal risk family and provide post placement adoption services for child. Child and Family Team will provide services to birth family until termination of parental rights occurs. Foster care review board reports and permanency plans will be completed by the Child and Family team case manager until termination of parental rights occurs. Both the adoption case manager and Child & Family Team case manager will jointly attend the review board or Permanency Planning Hearings.

The CPS case manager should obtain complete information about the birth family including descriptions and photographs. This information will be shared with the Child and Family Team case manager and Adoption Case manager for completion of the child's life book and preplacement summary.

**5. Documentation**

The child's case record must be transferred with the appropriate documentation. (WA: Documentation To Be Included In The Case Record For Transfer.)

### **Work Aid: Documentation To Be Included In Case Record For Transfer to Adoption Services**

1. A certified copy of the order terminating parental rights, voluntary surrender including certified Medical/Social History and guardianship order and custody order.
2. Date of next Foster Care Review Board, if within 2 months preparation of the reports will be done by the Child and Family Team case manager and case will be jointly presented by Child and Family Team case manager and Adoption case manager
3. Certified Birth Certificate
4. Thorough birth family information including any known health/ psychological issues.
5. Current narrative
6. Up-To-Date Medical Information including latest EPSD&T
7. Copy of foster care home study for foster parent adoptions
8. Original Social Security Card
9. A current permanency plan with adoption as the goal. It must include the judge's approval. In all cases the permanency plan must be **less than one year old**. In those areas where the court will not approve the goal of adoption until after termination of parental rights, the appropriateness of the goal of adoption must be determined in the case transfer staffing and accepted by the adoption staff.
10. Most recent progress report, Foster Care Review Board recommendation form, and most current judicial permanency plan order
11. Transfer summary including all placement information, including names, phone numbers, school, grade, physician, medications, counselor, psychiatrist, CASA, Guardian ad litem, etc.
12. Completed Assessment Tool
13. TN CARE provider and primary care physician
14. Preplacement summary if full guardianship is more than 60 days prior to transfer.
15. Current School Information

16. Siblings: Name, Age, Whereabouts, Permanency Plan (if in state custody), and schedule of contact.

17. Update TNKids with accurate and current information.

## **II. GUIDELINES FOR TRANSFER OF CHILDREN IN GUARDIANSHIP FROM ADOPTIONS TO A CHILD AND FAMILY TEAM**

**What:** Transfer the child's case record to a Child and Family team from Adoption Services team for ongoing service

**When:** When pursuit of adoptive placement is not in the child's best interest

**Who:** Adoption Services Case Manager or Designated Staff and Team Leader

### **Steps:**

#### **1. Transfer of Case**

The child's permanency goal has been changed from adoption to permanent foster care or emancipation/ independent living based on factors such as child's age, child's refusal of adoption services, child's attachment to current family who does not desire adoptive placement, or therapist's recommendation that adoption is not feasible goal for child.

The child's behavior indicates the need for long-term residential care.

On legal risk placements, court denies termination of parental rights.

#### **2. Documentation**

The child's case record must be transferred with the appropriate documentation.  
(WA: Documentation to be Included in Case Record for Transfer from Adoption Case Manager to Child & Family Team Case Manager)

**Work Aid: Documentation to be Included in Case Record for Transfer from Adoption Case Manager to Child and Family Team Case Manager**

1. Date of next Foster Care Review Board, if within two months preparation of reports will be done by the Adoption case manager and case will be jointly presented by Adoption case manager and Child and Family Team case manager.
2. Current narrative
3. Up-to-date Medical Information including latest EPSD&T, dental and immunization.
4. Current permanency plan with a goal change to emancipation or permanent foster care if needed. In all cases the permanency plan must be less than one year old.
5. Most recent progress report, Foster Care Review Board recommendation form, and most current permanency plan order.
6. Transfer summary including all preplacement information, including names, phone numbers, school, grade, physician, medications, counselor, psychiatrist, CASA, Guardian ad litem, etc.
7. TN CARE provider and primary case physician.
8. Current school information.
9. Siblings: Name, Age, Whereabouts, Permanency Plan (if the child is in state custody), and schedule of contact.
10. Update TNKids with current and accurate information.

### **III. COORDINATING SERVICES WITH A TENNESSEE LICENSED CHILD PLACING AGENCY**

**What:** Coordinating adoption services with a Tennessee Licensed Child Placing Agency

**When:** The child is legally free and adoption is the goal

**Who:** Adoption Services Case Manager and Tennessee Licensed Child Placing Agency

#### **Steps:**

##### **1. Staffing**

Conduct a meeting that includes the Home County Case Manager, Adoption Services Case Manager, Team Leader and the licensed child placing agency staff serving the child.

Share information about the child. The licensed child placing agency will share a copy of the child's case record with the DCS Adoption Case Manager. The DCS Home County Case Manager will transfer the child's case record to the Adoption Services Case Manager. (CR: Guidelines for Transfer of Cases to Adoption);

Explore the interest of the foster family to become the adoptive family for the child.

**NOTE:** Staffings should occur at least quarterly until the placement of the child.

##### **2. Define roles**

DCS

The DCS Adoption Services Case Manager will be responsible for both case management and preparation work with the child to achieve adoptive placement.

Case management services include:

- Foster care reviews/permanency planning hearings;
- Preparing the permanency plan for the child;

- Maintaining the child's status on TN Kids and with REACT (CR: Policy 15.05 Registering and Maintaining Status of Children With REACT);
- Ensuring that the educational needs of the child are met (M Teams, IPP's, conferences, etc.);
- Obtaining approval for psychotropic drugs;
- Approving out of state travel;
- Applying for and maintaining status with Child Welfare benefits.

Adoption Services include:

- Preparing the child for adoptive placement; (CR: Preparing the Child for Adoptive Placement)
- Preparing the Preplacement and Presentation Summaries; (CR: Preparing the Preplacement Summary, Preparing the Presentation Summary)
- Assisting the foster family in their decision to adopt; (CR: Transitioning Foster Home Study to Adoptive Home Study)
- Completing the adoptive home study; (CR: Establishing the Adoptive Home Record)
- Recruiting families for the child, as needed;
- Identifying the adoptive family; (CR: Policy 15.01 Adoptive Placement Considerations, 15.02 Adoptive Placement Selection Committee)
- Approving separation of siblings when appropriate; (CR: Documenting the Separation of Siblings);

- Achieving approval of special needs of the child as needed; (CR: Determining Child's Eligibility for Adoption Assistance)
- Securing placement and providing post placement services (CR: Placement and Post Placement Services)
- Negotiating Adoption Assistance (CR: Adoption Assistance Services);
- Providing services to finalize the adoption. (CR: Services to Finalize the Adoption)

#### Licensed Child Placing Agency (LCPA)

The responsibilities of the child placing agency will include the following:

- Continued contact with and day to day care of the child;
- Medical care;
- Supporting the goal of adoption for the child;
- Attending foster care review board and permanency planning hearings;
- Participating in M-Team meetings;
- Carrying out treatment plans for the child;
- Sharing information for the Preplacement Summary;
- Preparing the foster family for regular contact and visitation by the Adoption Services Case Manager;
- Continuing supervision of the foster home.



#### **IV. ESTABLISHING THE CASE RECORD**

**What:** Set up and maintain child's case file which fulfills legal, agency, and service mandates

**When:** Immediately upon initiation of services

**Who:** Adoption Services Case Manager or Designated Staff

**Steps:**

- 1. Computer Information System** Ensure computer information system and REACT reflects information on child data, placement, legal status, LEA, goal changes, EPSDT, and case manager. (CR: 15.05 Registering and Maintaining Status of Children with REACT)
- 2. Child Welfare Benefits** Ensure child welfare benefits application/ determination/ redetermination has been completed and all IV-E eligibility forms are in the file. (CR: Child Welfare Benefits Forms)
- 3. TNCARE** Ensure TNCARE application/determination has been completed and in the file.  
(CR: Instructions for TNCARE application)
- 4. Legal Documents** Ensure that the record includes all necessary legal documents (certified birth certificate, social security card, custody orders, orders terminating parental rights, surrenders, foster care contracts, and voluntary placement agreement).
- 5. Child and Family Information** Ensure that all information concerning the child (medical history, development, family background including hereditary conditions about each relative, educational records, and placement history), physical descriptions and photographs, if possible, are in the record.  
  
Obtain all available medical and birth records on all past medical treatment from hospitals and physicals, dental records, psychological and psychiatric reports.

## **6. DCS Documentation**

Ensure that the case record contains documentation of DCS's initial and ongoing services provided to the birth family and the child including Child Protective Services and Interstate Compact on the Placement of Children referrals.

## **V. Assessing a Child for Permanency Through Adoption, Legal Risk Placement or Free Home Placement**

**What:** Develop a plan of action for providing services to the child

**When:** Prior to permanency placement

**Who:** Adoption Services Case Manager or Designated Staff With Assistance From Team Leader

### **Steps:**

- 1. Determining Appropriateness Adoption/Permanency**

Ensure all children are considered for adoption and that factors such as age, sibling group membership, minority status, or mental/physical/emotional challenges are not seen as barriers. Critical issues which also must be assessed include attachment, trauma, and developmental issues. (WA: Critical Issues in Assessment, Trauma, and Developmental Issues)
- 2. Assessing Early Permanency Status**

Ensure children who may be at legal risk of termination of parental rights and/or for whom reasonable efforts for reunification are not required are considered for placement with a family who can make a permanent commitment should the child become free for adoption. (WA: Adoption and Legal Risk Placement Assessment, CR: Concurrent Planning aid in the Case Manager Procedures Manual and Review Form for Compliance with TPR Provision Under the Adoption and Safe Families Act)
- 3. Medical/Dental Examinations**

Obtain the necessary medical care and examinations including immunizations per the EPSDT guidelines in the Assessment Tool manual.

Ensure children have medical examinations annually, or more often if indicated. Ensure that a child of African American heritage receives a sickle cell screening prior to permanency placement.

- Ensure children are provided dental care as recommended by EPSDT.
4. **Psychological Examinations**      Ensure psychological/psychiatric examinations and treatment are provided when needed.
5. **School**      Ensure ongoing contact is maintained to obtain information on the child's educational and peer group status.
- Participate in school conferences/M teams.
- Advise the school of DCS's legal responsibility.
- Arrange for the transfer of school records if the child changes schools.
6. **Mementos/Pictures**      Collect special mementos of the child's past including school pictures, pictures of birth relatives, school report cards, awards, photos of foster families, case manager.
7. **Visitation**      Visit the child according to Level of Supervision Policy 14.2 to become aware of the child's personality and temperament, reactions to people, interest, special aptitudes, likes, dislikes, fears, adjustment in the foster home, and the foster parent's understanding of the child to implement the goal of adoption.
8. **Legally Free**      Ensure that the child is legally free for adoption.
- See the following procedures (depending on the birth/legal parent's status) to determine if additional steps are needed to secure guardianship: (CR: Agency Surrenders)
- Obtain a surrender as defined in Policy 15.3, Surrender of Parental Rights of a Child to the Department of Children's Services;
  - Obtaining Surrender from Parent who is a Tennessee Resident;

- Obtaining Surrender from Parent who is Out of State Resident;
- Obtaining Surrender from Parent who is Stationed Overseas;
- Obtaining Surrender from Parent who is Incarcerated;
- Obtaining Surrender from Legal Father who is Denying Paternity.

Initiate process of termination of parental rights consistent with regional guidelines and including:

- Completing Diligent Search;
- Putative Father Registry Clearance; (CR: Policy 15.4 Clearing the Putative Father Registry)
- Waiver of Interest on Named Fathers;
- Referrals to Legal Office or Contract Attorney.

## **9. Foster Care**

Assess the appropriateness of the child's present foster care placement as an adoptive placement resource. (CR: Transitioning Foster Home Study to Adoptive Home Study)

## **10. County of Venue**

Determine the county of venue that holds legal and financial responsibility for the child and report the plan to the appropriate office.

## **11. The Permanency Plan**

Ensure the permanency plan is developed according to the foster care review guidelines. (CR: Case Manager Procedures Manual).

## **Work Aid: Critical Issues in Assessment: Attachment, Trauma, and Developmental Issues**

### **Attachment**

1. Attachment is defined as:

(a) reciprocal, enduring, emotional, and physical affiliation between a child and caregiver (James, 1994).

Or

(b) “an affectionate bond between two individuals that endures through space and time and serves to join them emotionally.” (Kennell, 1976).

2. A child with attachment issues might make one feel:

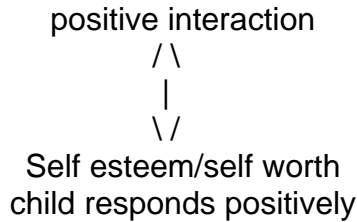
- drained
- shut out/excluded
- angry/irritated
- conned/used/fake

3. The arousal relaxation cycle illustrates the formation of attachment. Another way of understanding the development of attachments is through looking at the responsibilities of attachment figures. A child has a preferred or primary attachment figure. This attachment figure is responsible to:

- protect - everything is okay, I'll take care of you, set limits, keep you safe
- provide - source of love, food, shelter, excitement, soothing, and play
- guide - teach how the world works, help define identity

4. Attachment is a relationship which is mutually gratifying or one which has reciprocity. The arousal relaxation cycle is initiated by the child. Attachment behaviors also need to be initiated by the caregiver. This is reflected in the Positive Interaction Cycle. (Copyright 1979, Vera Fahlberg, M.D.)

Parent initiates



5. A child's capacity to form a trusting relationship with a caregiver is the basis for the child's future development. The ability to form a trusting relationship is embedded in the child's history and impacted dramatically by three factors:
  - Whether there is evidence of a nurturing experience free of separations/hospitalizations in the first three years of life - and the general quality of care received.
  - Whether there has been incidence of neglect/abuse/trauma - if so what was the duration, who abused/traumatized? All of these issues are indicators of the potential impact on the child.
  - When the child has experienced separation or abuse/neglect, has this been compensated for by a genuinely nurturing or renurturing experience? Example: a relationship with a caregiver which meets the child's emotional needs at the developmental level where they are functioning or where they may have gotten "stuck" as a result of past issues.
6. All children in the foster care system are at risk of having attachment difficulties. "The Children's Garden Attachment Model" (Carson and Goodfield, 1988) states that the three major areas in assessing attachment potential are:
  - Reciprocity - Does this child give emotionally? Can this child let anybody matter to him? Can he respond to affection?
  - Separation response - Is there response to possible or actual loss or separation?
  - Ability to explore - Is the child curious about his/her environment? Is the child free enough to take the risk inherent in learning and mastering new tasks?
7. Children are rarely totally unattached or totally securely attached. Rather their attachment develops along a continuum and represents three levels of attachment as described by Ainsworth as:
  - Insecure/Avoidant - the child tends to avoid the parents and feels safer in reading environmental cues and maintaining a state of self-sufficiency.
  - Securely Attached - the child feels safe in their relationship with parents which enables them to be responsive and to take risks.

- Insecure/Anxious or Ambivalent - the child tends to be clingy while at the same time resistant to parental guidance. This is a kin to a toddlers stage of development.

### **Trauma** (James, 1994)

1. In addition to attachment issues, many children in care have experienced trauma.

Trauma is described as a real or perceived threat to survival, which overwhelms a person's coping ability and results in a feeling of helplessness, total loss of control and instinctive arousal which may be a chronic or one time experience.

2. The nature and impact of trauma depends on the age, experience, mobility, freedom to act, verbal ability of the child and the availability of attachment figures who may be supportive.

The loss of a primary attachment figure (or prolonged unavailability) can itself be experienced as trauma, as the figure, for a very young child represents survival.

3. When the child is also abused by that key attachment figure, the child is coping with:
  - the pain itself
  - the confusion of experiencing the potential of both danger and safety in one person
  - the ultimate fear of the total loss of that key attachment figure
4. There are four major categories of response to trauma, all of which have implications for the child's ongoing development and behavioral characteristics.

These are:

- (a) Persistent fear state: the body's instinctive physiological arousal to the experience of stress and fear can actually alter the development of the brain functioning in a young child by impacting neurotransmitters.

These are three typical responses:

- (i) Fight: A very young child might cry or strike out; behaviors later in life might be regressive tantrums or aggressive behavior.
- (ii) Flight: a young child or a child who is powerless to physically leave a



traumatic situation may instead disassociate , or mentally “leave” the situation.

- (iii) Freeze: When danger is inevitable the victim may seek to escape being noticed by the perpetrator by becoming “invisible” or immobile, like “playing dead” or blending into the surroundings in the animal kingdom. A child who has reacted to trauma in this manner may always respond to stressful situations by “slowing down” and becoming less and less active in the face of increasing demand. This child is often described as “oppositional-defiant”.

General behavioral responses to persistent fear are: hypervigilance, irritability, anxiety, physical hyperactivity, exaggerated startle response and extreme regression.

- (b) Disorder of Memory: Traumatic experiences may be “stored” differently in the memory than ordinary experiences. They may be partially or fully unavailable to the conscious memory. These memories may unexpectedly reappear in the child’s later life as: a) a flashback, which is a total re-experiencing of past situation, or b) a response to a cue or trigger, such as a smell, a place, a situation or a feeling. The child may not be able to consciously link the response to the situation without work to process the trauma.

Additionally, the child may have developed the automatic response of disassociation in response to stress.

Behaviors in children who have experienced disorders of memory may include lying, withdrawal, unexplained aggression, “spaciness”.

- (c) Problems regulating affect may result in a child who has chosen to remain emotionally numb as a self-protective measure in the face of trauma. This child may exhibit an all or nothing emotional style; the only alternative for expressing feelings may be an emotional outburst. This child has not learned to identify, verbalize, or even regulate his or her own feelings. This child might appear to be depressed, anxious, defiant, uncooperative.
- (d) Avoidance of intimacy is a response of a traumatized child who has experienced closeness as being linked to experiences that are harmful and represent loss of control.

These children are very difficult to parent and avoid intimacy through behaviors such as clingyness, hyperactivity, avoidance of eye contact, disgusting habits.

5. Because the loss of the attachment figure may be equally as terrifying to the child as a traumatic event, children who have experienced extreme trauma at the hands of their caregivers often seek to preserve the relationship by altering their own behavior. They develop a trauma-bond with the caregiver, which has all the power of an

attachment, but which is based on terror rather than trust, is geared to meet the needs of the adult rather than the child, and blocks rather than promotes the development of an autonomous self. Because the trauma-based relationship is based on intermittent reinforcement, it is very strong and resistant to change.

## **Developmental Issues**

The child's development is likely to have been impacted by inconsistent caregiver relationships, multiple experiences of separation and loss, and trauma. When utilizing formal and informal methods of assessment, it is important to assess the child's current developmental functioning in several dimensions. Cues to a child's developmental level are found in looking at the ages in which significant separations or traumas occurred for the child. Issues which may be observed in a child in placement include the following:

- Physical: A significant factor in a child who is otherwise physically "normal" is coordination, which may affect a child's ability to compete and participate in peer activities.
- Emotional: A child's emotional development may be assessed by observing how they cope with stressful situations, their predominant modes of expressing feelings, their capacity to allow adults to comfort them, their ability to modulate their own feelings, their tendency to verbalize and/or act out their feelings, what feelings they always or never express, circumstances or events which precede expressions of specific feelings.
- Social: Children who have experienced loss and trauma frequently have poor peer relationships. Control issues may result in children being "bossy" or having a tendency to take on either victim or victimizer roles. Poor self-esteem or attachment issues may result in "clingy" or distancing behavior.
- Educational: In addition to factors noted in formal measures of educational abilities, language issues occur frequently in children with developmental issues. Expressive and receptive language develop in relation to responses from caregivers. Delay in these areas interferes with school performance as well as expression of feelings and peer relationships.

### **Source Materials:**

James, Beverly, 1994. Handbook of Treatment for Attachment-Trauma Problems in Children. Lexington Books, New York.

Ainsworth, M.D.S., Blehar, M.C., Waters, E., & Wall, S. (1978). Patterns of Attachment: A Psychological Study of the Strange Situation. Hillsdale, NJ:

Lawrence Erlbaum.

Carson, M. and Goodfield, R. 1988. The Children's Garden Attachment Model in Challenging the Limits of Care. Eds. Small, R.W. and Alwon, F.K.,



3. Message from birth parents about reason for foster care:

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4. Hereditary conditions (example: schizophrenia, alcohol, sickle cell):

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**E. HISTORY OF TRAUMA, ABUSE, SEX ABUSE, NEGLECT ( TYPE, AGE OF CHILD, DURATION, BY WHOM, CHILD'S RESPONSE):**

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**F. ATTACHMENT/LOSS ISSUES:**

Age at first separation: \_\_\_\_\_ # of Placements: \_\_\_\_\_

Length of time in current Placement: \_\_\_\_\_

Renurturing experience (when, by whom): \_\_\_\_\_

Statement of the child's ability to attach: \_\_\_\_\_

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Placement History: \*If more spaces are needed, please attach an accompanying page.

NAME OF CAREGIVERS	DATES OF CARE (FROM/TO)	REASON CHILD MOVED

### **SIGNIFICANT OTHERS:**

NAME	RELATIONSHIP	CONTACT AFTER ADOPTIVE PLACEMENT	DISENGAGEMENT MESSAGE

- DO NOT FORGET TO LIST PETS

### **H. DEVELOPMENTAL ISSUES:**

Physical: \_\_\_\_\_ Intellectual: \_\_\_\_\_  
 Emotional \_\_\_\_\_ Social: \_\_\_\_\_

### **I. CHILD'S CURRENT FUNCTIONING:**

School Placement (grade and class

type): \_\_\_\_\_

Child's style of relating:

\_\_\_\_\_

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Child's most characteristic way of expressing  
feelings: \_\_\_\_\_

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Child's recurrent behavior patterns (coping style): \_\_\_\_\_

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Child's treatment history (Diagnosis, outpatient, inpatient; both medical and psychological, including  
names/phone # of current resources):

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Child's special abilities/talents: \_\_\_\_\_

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Signature

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Date

## **VI. PREPARING THE PREPLACEMENT SUMMARY**

- What:** Prepare the Preplacement summary for each child being placed, on a legal risk basis, for adoption, or in a free home placement.
- When:** Within 60 days after the child is identified as needing a legal risk placement or the child is in DCS full or partial guardianship
- Who:** Adoption Services Case Manager providing services to the child, or designated staff and case manager providing services to the birth family

### **Steps:**

- 1. Preplacement Summary**

The preplacement summary is prepared by the case manager serving the child and when appropriate with the case manager providing services to the birth family. Document whether the child is “special needs” according to the criteria listed in Policy 15.11 Adoption Assistance Agreements Created On Or After October 1, 1997 or Policy 15.12 Deferred Adoption Assistance.

For children not being adopted by foster parents, follow the entire summary outline in WA: Preplacement Summary Outline.

For children being adopted by foster parents, exclude Section II from the Preplacement Summary outline.
- 2. Using Positive Terminology**

Review the birth/legal family information and ensure circumstances are reported in the most positive but accurate manner. Describe behavior rather than using terms such as prostitute, drunk and drug addict. The diagnosis of medical or mental issues must be shared as they could impact caring for the child.
- 3. Interpretation**

Review the child’s information for medical or behavioral descriptions and ask the family to obtain interpretations from medical sources.
- 4. Updates**

Prepare a dated supplement to the Summary



as needed but no less than annually.

Review and sign the summary prior to each preplacement conference to assure accuracy.

## **5. Distribution**

Submit the Preplacement Summary to the team leader for review and approval.

File the original and one copy in the child's case record.

## WORK AID: PREPLACEMENT SUMMARY OUTLINE

### Preplacement Summary for :

Child's Name: \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Birth date: \_\_\_\_\_

Prepared by: (Name of Case Manager)

Date Prepared: \_\_\_\_\_

#### I. Referral

Identify how and when the child became known to the agency and the reason for foster care. Include the exact date of custody and the dates of any CPS investigation.

#### II. Description of the Child at the Present Time

- A. Provide a physical description of the child and a brief description of what makes this child the unique individual he/she is.
- B. Provide information on child's present routines, activities, and capabilities.

When appropriate, the following areas will be addressed:

##### 1. *Eating Routines*

What are the usual times for meals? What are his/her particular likes/dislikes? Does he/she stuff, is he/she picky? Are there any eating difficulties, how are his/her table manners? Have eating habits changed in this foster home?

##### 2. *Sleeping Routines*

What are the usual waking and bed times? What is the child like when he/she awakens, is he/she hard to get up, what mood is he/she in, does he/she play quietly/demand attention? Does the child fuss about going to bed, fall asleep easily, quickly, does he/she sleep with a special object, is there a ritual at bed time (singing, rocking, story telling)? What is his/her favorite sleeping position? What does he/she wear to bed, what type of bed does he/she sleep in, does he/she share a bedroom, is there a night light/music? Does he/she sleep all night, wander, sleepwalk, have nightmares, talk in his/her sleep? Does he/she take a nap and is he/she used to quiet or noise at nap time?

##### 3. *Self Help Skills*

Does he/she dress himself/herself, pick out his/her own clothing? Does he/she bathe himself/herself, usual bath time, brush teeth himself/herself or does he/she need reminding? Does he/she feed himself/herself, drink from a glass, use table utensils?

#### 4. *Toilet Habits*

Is the child toilet trained, what are the words he/she uses when referring to toileting. When does he/she usually have bowel movements? Has he/she had trouble with constipation/diarrhea? If so, what is the frequency, and how is it handled?

#### 5. *Play/Social Activities*

What does the child like to do with spare time? Does he/she like to play alone or with others? Does he/she prefer outdoor or indoor activities? Does he/she have favorite games/toys or playmates? What kind of play does he/she avoid? Does he/she prefer small or large muscle play? How much television does he/she watch, shows he/she prefers. How does he/she relate with peers, and what is the quality of friendships?

#### 6. *Speech*

How well does the child communicate, does he/she make himself/herself understood? Are there special body postures, speech habits? Can he/she talk about his/her feelings?

#### 7. *Personality*

What does the child think of himself/herself? How does he/she handle stress, happiness, anger, failure, disappointment, physical and psychological pain, anxiety?

When is he/she happy, unhappy, grouchy? What comforts and scares him/her? How does he/she react to meeting new people? With whom has he/she been close, and who are the significant others in his/her life?

#### 8. *Functioning in the Family*

How has the child adjusted in the current foster home? How does he/she respond to usual requests, routine chores and expectations? What has been the method of discipline? How does he/she respond to touching, hugging, kissing, expressions of affection? Does he/she initiate affection, does he/she like parents to initiate affection? Does he/she have a preference for

men/women? Does he/she need a lot of approval? How does he/she seek approval?

9. *Therapeutic Issues*

Does he/she bedwet, soil, lie, steal? Act out sexually, masturbate? How does he/she control impulses? How does he/she care for personal and others' possessions?

10. *Sex*

What has the child been told of sex? Does he/she talk of sex? Has there been any sexual experimentation?

11. *Fears*

What specific thing is the child afraid of? How does he/she handle this fear? What is his/her experience in relationship to animals?

12. *School/Work Experience*

What schools/special classes has the child attended? What is his/her present school grade? Is he/she strong, weak, average in academic skills? How well does he/she get along with authority figures? Has he/she had any problems in school, what has been done to resolve them? How does he/she get along with other children, does he/she have friends? Will he/she probably graduate from a regular high school? Would vocational, technical, or college training be appropriate? Request pictures, report cards, mementos. Describe any work experience the child may have had.

13. *Travel*

Does the child enjoy travel by car, bus, train, airplane? Is he/she accustomed to going to the store, church, visiting? Are there things that frighten him/her about going out?

14. *Health*

Has the child had any major illnesses, what childhood diseases has he/she had? What shots and immunizations has he/she had? Is he/she taking any medicine? What medicine has he/she taken? Has he/she had any reactions to medication? Has he/she had an operation, is there a future operation indicated? How does he/she react to doctors?

**III. Developmental History**

#### **A. Medical Birth History**

Include all data and information from medical birth records, including information about the birth mother's course during pregnancy, medications used, type of delivery, complications, neonatal course, etc.

#### **B. Parenting and Placement History**

Identify who cared for the child from birth to present (birth parents, birth relatives, foster parent, other) indicating duration and the quality of care. It is particularly important to identify whether the child had one parent figure or a succession of parental figures. Describe child care methods and paternal attitudes regarding giving social stimulation by holding, talking to the child, providing toys, play equipment, exercise, and protecting the child from safety hazards. Was the child isolated, emotionally deprived by being allowed to cry for long periods, left in the crib, fed irregularly or improperly, or punished? How was the child treated when ill? Describe any illnesses, injuries, or deviations from normal. Describe the child's characteristic way of responding to people and situations.

#### **C. Development**

Identify child's growth and development from infancy to present. Such information can be obtained from previous/current caregivers, medical reports, Denver Development Scales, worker observations and includes the age of the child's firsts (smiling, cooing, held head up, turning over, first tooth, crawling, cruising, walking alone, first word, first sentence, potty training, self help skills), as well as information on motor coordination (agile, clumsy), peer interaction, relationships, what he/she has mastered (names of colors, animals, numbers, reading, math, etc.) and at what age these skills were mastered. Indicate both the child's chronological age and developmental level.

### **IV. History of Trauma**

Identify incidence of deprivation; abuse; sexual abuse; indicating dates by month/year; descriptions of perpetrators, names, and relationships to child, impact on the child and the opportunity the child has had in healing.

Details of incidences of abuse, where, when and how the abuse occurred are helpful in identifying possible triggers and in making placement decisions.

### **V. Attachment Capabilities**

Assess the child's anticipated attachment potential based on an evaluation of moves, traumas, present functioning and nurturing experiences. (WA: Critical Issues in Assessment: Attachment, Trauma & Developmental Issues)

## **VI. Medical History**

Record of immunizations, illnesses, handicapping conditions (emotional, mental, physical), expenses involved, length of needed treatment, extent of limitations of activities or interference with educational, social, or vocational functioning that may be expected. **NOTE:** If this is a foster parent adoption, include information listed in #14 of Section II.

## **VII. Psychological/Psychiatric/Educational Evaluation**

Provide dates of all psychological and/or psychiatric evaluations and attach copies of the evaluations. Provide a brief summary indicating the child's educational functioning, diagnosis, prognosis and assessment of the need for ongoing services.

## **VIII. Hereditary Conditions**

Identify those conditions which are known to be hereditary or may have an effect of future development. The advice of appropriate consultants is important in determining what such risks are and how to interpret them. (CR: Policy 15.12 Deferred Adoption Assistance)

## **IX. Family Background**

The description of the birth family is to provide an insight as to the family lifestyle/functioning, their strengths and understanding their weaknesses.

### **A. Maternal Family**

Individually identify the birth mother, grandparents, aunts/uncles, great grandparents and any known relatives by: full legal name, birthdate, height, weight, race, national heritage, physical description, religion, educational level, employment history, social functioning, special abilities, and health history.

Provide the last known residence for the family members and their knowledge of the child being placed for adoption. If any family member is deceased, indicate age and reason of death, if known. Some health conditions to inquire of are: alcoholism, hypertension or high blood pressure, diabetes, convulsive disorders, heart disease, sickle cell anemia, respiratory ailments, vision/hearing problems, cancer, blood disorders, mental illness and mental retardation. If any conditions are present within the family, indicate severity and reliability of information. If a family member is identified as having mental retardation, include diagnosis. Also

indicate whether this stems from genetic or cultural reasons based on the diagnosis/professional reports.

#### **B. Paternal Family**

Same as for maternal background.

#### **C. Siblings to the Child**

Individually identify all full and half siblings by full legal name, birthdate, physical description, residence (with birth family, foster care, adoptive home), health status, social functioning, and knowledge of and relationship to the child being placed for adoption. If siblings are separated through adoption, state the plan for ongoing contact. (CR: Documenting Separation of Sibling)

#### **X. Reason for Adoptive Placement**

Where possible, preserve the birth parents' stated reasons for adoption. Identify the feelings experienced by the birth parents in making the decision. In all situations explain the underlying reasons the parent role could not be assumed. Also indicate what the birth parents' preference may be toward the child if he/she desires seeing them when he/she is an adult.

Indicate if the child should continue contact with birth relatives and the plan for this contact.

#### **XI. Birth Verification**

Provide Birth Certificate number and information given on the certificate.

#### **XII. Legal Status**

Identify date, court where each parent voluntarily surrendered and/or had parental rights involuntarily terminated.

#### **XIII. Child's Readiness for Adoption**

Indicate how the child has been prepared for adoption, his/her understanding of adoption, the desires the child has for and in a family, his/her attachments to the present foster family, the foster family's interest in adopting and their ability to help the child move. Also indicate the preplacement activities seen as needed, e.g. visits in the foster home, number of preplacement visits needed.

#### **XIV. Placement Recommendations**

Identify the type of family needed for the child. If a family has already been selected or if the foster parents are adopting, so indicate. When applicable, speak to placement considerations involving siblings (placement together, separate homes, continuation of contact), and the child's eligibility for adoption assistance or deferred adoption assistance.

The Preplacement Summary is to be signed and dated by the Team Leader.

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Approval - Team Leader

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Date



## **VII. PREPARING THE PRESENTATION SUMMARY**

**What:** Prepare the Presentation Summary for the prospective adoptive family, legal risk family or family accepting a free home placement

**When:** After completing the Preplacement Summary and prior to presentation of the child

**Who:** Adoption Services Case Manager or Designated Staff providing services to the child

### **Steps:**

- 1. Identifying Information**

Review the Preplacement Summary and prepare the Presentation Summary by deleting all child and birth/legal family identifying information, i.e., names, addresses, places of employment, dates and names of courts where parental rights were terminated, places of residence, and other identifying information.
- 2. Using Positive Terminology**

Review the birth or legal family information and ensure that circumstances are reported in the most positive yet accurate manner. Describe behavior other than using terms such as prostitute, drunk or drug addict. Diagnosis of medical and mental issues must be shared as they could impact caring for the child.
- 3. Interpretation**

Review the child's information for medical or behavioral descriptions and ask the family to obtain interpretations from medical source.
- 4. Approval**

Request that the Team Leader review and sign the Presentation Summary for approval.
- 5. Distribution**

File the original Presentation Summary and one copy in the case record.
- 6. Adoptive Family**

Share a copy of the Presentation Summary with the adoptive family at the time of the oral presentation. Also include copies of non-identifying medical, psychological, and psychiatric reports. If the placement does not occur, retrieve Presentation Summary and all attached reports from the family.

## VIII. CONSIDERING LEGAL RISK AND FREE HOME PLACEMENT

**What:** Prepare the child for placement by ensuring that the child moving into permanency has the opportunity to understand the reason for separation from the birth family, has the opportunity to grieve losses, and to understand his/her individual talent and skills.

**When:** The child enters state custody and at each foster care review.

**Who:** Adoption Services Case Manager or Designated Staff Serving the Child

### Steps:

- 1. Assessing Legal Risk and Free Home Placement**

Determine if the child is a candidate for permanency in a legal risk or free home placement. (WA: Adoption and Legal Risk Placement Assessment)

  - Review Form for compliance with termination of parental rights provision under the Adoption and Safe Families Act
  - Concurrent Planning aid in the Case Managers Procedures Manual
- 2. Legal Planning**

Ensure that the method for obtaining legal guardianship is clearly defined. (WA: Termination of Parental Rights)
- 3. Review/Approval**

The home county case manager on the child and family team will complete the adoption and legal risk placement assessment. This form is submitted to the regional adoption staff to secure a legal risk family for placement.

Schedule a conference with adoption staff including team leaders to determine the appropriateness for legal risk placement. Placement consideration should follow Policy 15.1 Placement Consideration and Policy 15.2 Adoption Placement Selection Committee.
- 4. Transfer of Records**

When a placement is identified the child's case record is transferred to adoption staff. The parent record is maintained by the Home

County Case Manager on the Child & Family Team in the county of venue until full termination of parental rights.

(CR: Guidelines for Transfer of Cases to Adoption)

**5. Signing Placement Agreements**

The child may be placed in a legal risk placement via a Child Placement Contract to Provide Temporary Foster Care CS-0366 or Free Home Agreement. A Free Home Agreement will be used when the legal risk family can provide medical coverage for the child and it is anticipated the child will be fully legally free within six months.



**3. Message from birth parents about reason for foster**

**care:** \_\_\_\_\_

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**4. Hereditary conditions (example: schizophrenia, alcohol, sickle cell):**

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**E. HISTORY OF TRAUMA, ABUSE, SEX ABUSE, NEGLECT ( TYPE, AGE OF CHILD, DURATION, BY WHOM, CHILD'S RESPONSE):**

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**F. ATTACHMENT/LOSS ISSUES:**

Age at first separation: \_\_\_\_\_ # of Placements: \_\_\_\_\_

Length of time in current Placement: \_\_\_\_\_

Renurturing experience (when, by whom): \_\_\_\_\_

Statement of the child's ability to attach: \_\_\_\_\_

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Placement History: \*If more spaces are needed, please attach an accompanying page.

NAME OF CAREGIVERS	DATES OF CARE (FROM/TO)	REASON CHILD MOVED

### **SIGNIFICANT OTHERS:**

NAME	RELATIONSHIP	CONTACT AFTER ADOPTIVE PLACEMENT	DISENGAGEMENT MESSAGE

- DO NOT FORGET TO LIST PETS

### **H. DEVELOPMENTAL ISSUES:**

Physical: \_\_\_\_\_ Intellectual: \_\_\_\_\_  
 Emotional \_\_\_\_\_ Social: \_\_\_\_\_

### **I. CHILD'S CURRENT FUNCTIONING:**

School Placement (grade and class

type): \_\_\_\_\_

Child's style of relating:

\_\_\_\_\_

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Child's most characteristic way of expressing  
feelings: \_\_\_\_\_

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Child's recurrent behavior patterns (coping style): \_\_\_\_\_

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Child's treatment history (Diagnosis, outpatient, inpatient; both medical and psychological, including  
names/phone # of current resources):

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Child's special abilities/talents: \_\_\_\_\_

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Signature

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Date

## **IX. CONSIDERING DIRECT PLACEMENT OF NEWBORNS**

**What:** Consider a direct placement for an infant

**When:** The birth/legal parent requests adoptive placement and prior to terminating parental rights

**Who:** Adoption Services Case Manager or Designated Staff providing services to the birth parent

### **Steps:**

**NOTE:** Consider every expected infant or newborn for a direct or early placement to help the child bond early to permanent parental figures and to minimize the emotional trauma of repeated separations. See Considering Legal Risk and Free Home Placement if the following considerations reflect that a direct placement is inappropriate.

#### **1. Parental Decision**

Ensure that all parents have:

- decided on direct placement ;
- had counseling;
- explored all alternatives;
- emotional/mental capability of making a decision.

**NOTE:** If the father has not been a part of the decision, verify that he is not entitled to receive notice of the adoption or verify that grounds for prenatal abandonment exist. (CR: Policy 15.4 Clearing the Putative Father Registry, CR: Services to the Birth Parent)

#### **2. Medical Evaluation**

Evaluate the following criteria to help determine if the child may have special needs:

- Prenatal care/events;
- Birth/legal parents' alcohol/drug usage;
- Family history of birth defect or mental retardation and causes (genetic/environmental);



- Any significant family social/medical history, any significant medical conditions of the newborn;

### **3. Legal Planning**

Ensure that the following methods for obtaining legal guardianship is clearly defined:

- Arrange for all legal parents to voluntarily surrender parental rights; (CR: Policy 15.3 Surrender of Parental Rights to the Department of Children's Services)
- Arrange for the alleged father(s) to sign a waiver of interest;
- Verify that upon the child's birth, the mother will sign an affidavit swearing to the father's lack of support;
- According to regional guidelines initiate the process of termination of legal or named father's rights on the basis of prenatal abandonment. (CR: Foster Care Manual for Referral for Termination of Parental Rights, Policy 15.04 Clearing the Putative Father Registry, Agency Surrender)

### **4. Review/Approval**

Submit the Preplacement Summary and case record which documents all pertinent information to the Team Leader for review and approval of direct placement.

## **X. PREPARING THE CHILD FOR ADOPTIVE PLACEMENT**

**What:** Prepare the child for adoptive placement by ensuring that the child moving into adoption has the opportunity to understand the reason for separation from the birth family, experiences since entering foster care, has the opportunity to grieve his/her losses, to understand his/her individual talent and skills, and to understand what adoption will mean.

**When:** The child is in full guardianship with the goal of adoption and adoption is in the child's best interest

**Who:** Adoption Services Case Manager or designated staff providing services to the child

### **Steps:**

- 1. Birth/Legal Family Separation** Help the child understand feelings about his/her birth/legal family and explain why child cannot be with his/her birth/legal parents and why it was necessary for him/her to enter foster care. (An older child's initial reaction to adoption is often negative). (WA: Suggested Preparation Techniques, WA: Getting Prepared for the Life Book Journey Involving the Caregiver, WA: Getting Prepared for the Lifestory Permission to Travel and CR: Case Manager Procedures Manual)
- 2. Blessing Message for Separation from the Birth Family** Provide the child with a blessing or disengagement message (preferably written) which will enable the child to move forward. Identify the tools and techniques needed to facilitate and deliver the disengagement message or blessing. (WA: The Separation - The Blessing Message from the Birth Family)
- 3. Permanency** Help the child see his/her entitlement to a permanent family and benefits that come from having an adoptive family, especially if he/she has experienced multiple foster care placements or an unsuccessful adoption.
- 4. Foster Parent's Role** Consider the child's foster parents as potential adoptive parents based on the child's best interests. If that is not possible, identify ways the child's foster parents may help in the

adoptive placement process. **NOTE:** Foster parent adoptions are often best for a child because of the existing emotional relationship and the decrease in the number of placements for the child. Therefore, the longer the child remains in the foster home, the greater priority DCS gives to maintaining the relationship. Also, consider the child's best interests in determining sibling(s) placement. (CR: Selecting the Foster Home as the Appropriate Home; Giving Foster Parents First Preference)

If the child has been in the foster parents' home 12 months or more refer to Policy 15.01: Placement Considerations and Policy 15.02: Adoptive Placement Selection Committee.

5. **Foster Home Separation** Help the child understand and resolve feelings about moves from the foster home, including why the foster parents cannot adopt and/or why he/she cannot stay in the foster home.
6. **Blessing Message for Separation** Provide the child with a disengagement message (preferably written) to help the child move forward. (WA: The Separation: The Message from the Foster Family)
7. **Adoption Process** Help the child understand adoption, what it means, how it differs from foster care, and the adoption process.
8. **The Cover Story: Helping Children Explain their Placement** Assist the children in explaining who they are, how they came to be living apart from their birth families and how they came to be with their current family. (See WA: The Cover Story)
9. **Siblings** Help the child understand adoptive plans for his/her siblings. (CR: Documenting the Separation of Siblings and Policy 15.01 Adoptive Placement Considerations)
10. **Contact with Significant Others** In the placement of older children it is

recognized they may have strong ties to significant others where ongoing contact after adoption may be of benefit to the children. A significant other may be birth family member and/or foster family relationships. Such ongoing contact serves the child's need for a sense of continuity with linkages to integrate their past, present, and future.

DCS is committed to evaluating the best interests for children in maintaining contact with birth relatives and significant others through adoptive placement. Determination of the best interests for children is based on the quality of the relationship and all parties reaching a mutually agreeable plan for the contact. (WA: Continuing Contact with Significant Others Following Adoptive Placement and CR: Open Adoption)

#### **11. Case Manager's Role**

Help the child understand the case manager's role in working with him/her and the case manager's responsibility in planning adoption.

Explain to the child that you would like him/her to express feelings and be involved in the adoption plans but that final decisions are made by DCS and the courts and other adults involved.

#### **12. Involving the Child/Youth**

Engage the child in the process of adoption planning and Life Book work based on the child's developmental level. (CR: Policy 15.01 Adoption Placement Considerations)

For children too young or otherwise unable to engage in the process, the case manager for the child will ensure the completion of a Life Book.

For youth age 14 or older refer to Policy 15.07: Consent of a Child 14 Years of Age or Older.

## **Work Aid: Suggested Preparation Techniques**

The following techniques are casework tools in helping the child understand his/her past and what is being planned for the future.

The process focuses on building the child's self-esteem. When siblings are involved, identify placement plans for each of them, e.g., adoption, foster care. Determine the depth of information to provide based on the child's level of understanding.

### Play Interviews

Use a play interview with the child in order to discuss topics, explain information and evaluate the child's understanding and readiness for adoption. Based on the child's level of understanding, play interviewing involves the same techniques associated with verbal counseling, such as support and confrontation. However, the Case Manager relates to the child through play (particularly useful in reaching children with limited verbal ability).

Play interviewing may involve drawing, playing house, acting out situations, etc. Whatever play you plan, make sure that resources such as paper, crayons, blocks, doll houses, doll families, etc., are available.

### Baby Books

Initiate the development of a baby book for an infant being placed for adoption. Request that the foster family continue to keep the book to record the child's important milestones, likes and dislikes, and photographs at various ages. Emphasize that the foster family should not use the term birth/legal mother, but rather "first mother", "mother", or parent's first name. At the time of adoptive placement, review the book to delete any confidential or identifying information. Baby books are to be given to the adoptive family at the time of placement. Encourage the adoptive family to preserve and update the book.

### Life Books

The child's Life Book, kept by the child and prepared with the assistance of the case manager, and the foster parents, is an excellent tool to use in preparing the child for adoptive placement.

The Life Book, containing pictures and mementos, helps to build a child's identity. The book can clarify misconceptions about the child's past, and the counselor's reviewing the Life Book with the child can assist him/her in expressing feelings about the past.

The adoptive parents' review of the Life Book with the child and case manager becomes a bridge between a child's biological past and his/her new family and helps the child accept his/her past.

Ask for the older child's cooperation in creating a Life Book to help understand his/her past and present placement and to prepare the child for adoption. Emphasize that the foster family should not use the term birth/legal mother, but rather "first mother" or "Sally".

Consider the following suggested items:

- Pictures or description of:

Birth/legal family, including grandparents and siblings ( if appropriate)  
Foster family  
Special activities (holidays, birthdays)  
School pictures  
Friends, classmates

- Newspaper clippings
- Preschool records
- Kindergarten records
- Teacher's comments
- Accomplishments
- Certificates
- School records and activities
- Report cards
- Awards
- Religious Mementos and Certificates
- Family genealogy, mementos, and visits
- Any material of significance to the child

When identifying the relative, do not use the surname; use the first names only or such terms as first mother, etc., unless the child is school age and knows his/her surname.

Use these materials and, perhaps, the child's drawings to help the child complete his/her Life Book. Write or help the child write a history of his/her life that:

- depicts a feeling for and description of the birth family
- explains the reason for and meaning of foster care
- identifies each foster care placement the child experienced and why each placement ended
- indicates something about the child's likes, dislikes, and what he/she is like as a person

Review the book with the child and adoptive parents during visitation. At the time of placement, the child takes his/her Life Book. Later, sharing the book with the family and updating it will help the child achieve acceptance and bonding with the adoptive parents.

### **Work Aid: Getting Prepared for the Life Book Journey Involving the Caregiver**

- Acknowledge the significance of the caregiver in the child's life as a source of nurture, support and information.
- Describe the Life Book process to the caregiver, in person or by letter.
- Review what the child does when upset (behaviorally, affectually) and what helps the child gain control or feel comforted.
- Engage the caregiver in describing how the goal of adoption is appropriate for the child.
- Have the caregiver describe the type family with whom the child may best be able to integrate.
- Request the caregiver to share mementos, photos, description of child's strengths/challenges.
- Help the caregiver cope with feelings of potential loss if they are not adopting the child.
- Prior to or after each session with child, discuss the support child may need from the caregiver.
- Include caregiver in chosen sessions when the plan is adoption by the caregiver.
- Provide the caregiver with a calendar which shows appointments with the child.
- Establish a routine with the child where a self report of each session is shared with the caregiver in a way which respects the child's right of confidentiality.

## **Work Aid: Getting Prepared for the Life Book Journey Permission to Travel**

Dear (Foster Parent):

I am excited about the opportunity to prepare Doug for adoption and create a Life Book. As we discussed, Doug and I will meet together every Wednesday when he gets out of school at about 3:00 p.m. for the next few months.

Doug and I will talk about information and feelings around why he needed to come into foster care and what being in foster care has meant to him; what makes Doug so unique; and what he may want in an adoptive family. This process may bring out feelings of happiness, sadness, anger or confusion. I will be helping Doug with these feelings and you will have an important role as well. You know how Doug expresses his feelings and what is helpful for him. I anticipate talking with you regularly. Please call anytime.

Also, you are important as you have cared for Doug for 3 years. You have a lot of information about his development, what he enjoys, and what he has accomplished. Of course, any mementos or pictures that you can provide for his book are appreciated.

I will also be available to help you anticipate your feelings as Doug moves into adoption. He has become a significant part of your family.

Enclosed is a calendar which shows our appointments. Please let me know if there are conflicts with any of these dates.

Sincerely,

Susie Social Worker  
Case Manager



## **Work Aid: The Separation: The Blessing Message from the Birth Family**

1. A major step in dealing with children's separation from the birth family is to ensure that they feel that they have permission to develop a relationship with a caregiver in a parental role free of conflict with the loyalty they may feel toward the biological parents. This is accomplished through the disengagement message or blessing.
2. The three elements of a disengagement message are:
  - Acknowledgment of caring/being valued as an individual;
  - lifting of responsibility for separation;
  - permission to child to form new attachments, to give and to receive love, to be happy.
3. It is the responsibility of the case manager to obtain a disengagement message either directly or indirectly from the biological parents and all significant attachment figures.
4. The case manager has several tasks in obtaining a disengagement message whether direct or indirect from the child's former caregivers, including the biological family - mother, father, siblings, other relatives. These tasks are:
  - deciding from whom a message is necessary;
  - deciding whether the message can be direct or will need to be indirect;
  - preparing the caregiver and getting the message;
  - delivering the message.
3. The first task is to determine the people to whom the child has a significant attachment or bond of loyalty. This always includes the biological mother no matter what the quality of the attachment or bond of loyalty. Through Life Book work children will indicate who else has particular significance for them. It is important to include anyone for whom the child feels responsibility such as siblings, elderly/ailing grandparents.
4. The second task is to determine whether a message can be direct or will need to be indirect. Direct messages are the most powerful and include letters, audio tape messages, video messages, final visits. They may also include statements the individual made directly to the child.
5. Direct messages do not usually involve contact between the child and significant others. Messages involving contact with the child are most likely to be manageable at the point of termination of parental rights or surrender when the parent has been visiting regularly and is in agreement with the adoption plan. Final visits may provide the opportunity for the parent to express their wish for the child to move on and be happy and well care for in a new family. This often occurs when the birth parent has become acquainted with the foster parent who is planning to adopt. Usually contact

is not reestablished between the parent and child when they have not been visiting for a period of time, as this would be confusing for the child. Contact may be appropriate with other birth relatives who are non-threatening and are supportive of the adoption. Direct messages are generally delivered through the case manager in the form of a tape or letter from the important individual.

6. Indirect messages are based on interpretation of parental or other caregiver actions or statements. These may be found in the case record or gleaned from information in the record, statements from other family members, and by helping the child to discuss what he\she thinks the caregiver may have wanted for the child in the future. Indirect messages are necessary when the caregiver cannot be located, is unwilling, or incapable of working with the case manager to prepare a positive message. When this message is understood by the child, it should be documented in the child's Life Book.
7. The third task the case manager has is to prepare the caregiver and request the disengagement message or blessing. To facilitate the message the case manager establishes supportive and respectful contact with the person. Usually these individuals are responsive to a case manager who can acknowledge their feelings of caring for the child and is concerned enough to find them and provide them the opportunity to tell the child that they truly care for them. The caregiver will need help to frame and construct a positive message. One approach is for the case manager to take notes of the conversation with the caregiver and to state back to the caregiver all the positive statements made, suggesting this may be what they want to write in a letter. In some circumstances, the case manager may need to write the letter and confirm that it is accurate and ask if they want to sign it. A video or audio tape is appropriate when the caregiver is capable of giving a statement which contains the elements of a good disengagement message.
8. The fourth task the case manager has is to deliver the message to the child. Receiving a disengagement message given by the birth parent or primary attachment figure is likely to be a powerful emotional experience for the child. The child needs support and encouragement to express feelings. Frequently the message will be reviewed several times and each time the child will be able to incorporate a deeper sense of entitlement to a family through adoption and permission to move into the future with hope. The message has a twofold effect, removing the fantasy of reunification with the birth family/foster family and providing a path for future connectedness with a family intended to be permanent. It is the good bye which enables the hello.
9. Receiving an indirect message is not as powerful for the child as these messages are framed by the case manager for the child. It is important to state directly that, "your mom/significant other showed caring for you in these ways." The case managers careful explanation for the reason for the separation should focus on removing responsibility from the child. Sometimes another person who directly observed what led to the separation can reinforce the indirect message from the

caregiver, for example, “your mom tried and just couldn’t get off drugs”. Then the discussion of these examples of caring move into “what do you think your mom/significant other wanted for you in the future?”

10. Parents who have abandoned the child know, on some level, they can not plan for a child. Also, they may know that the system will plan for the child. Sometimes a parent knows that it is too hard to say goodbye but trusts the Department to plan for the child the way she/he may have liked to themselves.
11. It is critical, regardless of how this message is obtained, to formulate a clear statement that encompasses the three key elements. (See item two of this Work Aid).

## Work Aid: SAMPLE BLESSING MESSAGE FROM BIRTH PARENT

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Tina,

I am writing you this letter so you can read it and remember that I love you. I will always have a special place in my heart for you, because you were my first child.

I hope you can try to understand what a hard decision it was to surrender my rights to you and your brothers and sisters. I know I could not give you kids what you needed. That is why I left you with family and other people so many times. Remember, that time we lived in a car because we didn't have anywhere else to go? I felt bad leaving you kids with other people, but wanted you to have food in your bellies, and a roof over your head. I tried to be a good parent, like taking you to get your shots before you started school, but we moved around so much though you hardly even went to school. I needed someone to help me.

When the case manager saw that I couldn't keep a job or find a place to live she asked me to think about surrendering my rights so you could have a permanent home. I had mixed feelings about it because I wanted to be your mother and raise you, but then I would think about barely being able to take care of myself, much less you kids.

I remember our visits at the office and seeing you look so pretty and healthy. It seemed like your foster family cared for you and could give you a lot of things I couldn't. I decided to say yes to the surrender, but then felt guilty and wanted to try again. But after six months, nothing had changed. I still didn't have a steady job or a place for you to live. I realized then that adoption was the best plan for you. I knew you didn't like being a foster child and thought you deserved a family of your own. I know I will always think of you, especially on your birthday, and wonder if you still look like me. I want you to be happy and I am sorry that you and your brothers couldn't be adopted all together.

With all my love,

Your 1<sup>st</sup> Mommy—Bonnie

## **Work Aid: The Separation: The Blessing Message from the Foster Family**

1. A disengagement message, preferably written, should be obtained from the current foster family if they are not planning to adopt and from any past foster families to whom the child maintains a particular attachment or bond of loyalty. When foster parents are dealing with their own feelings around the child moving from their home it may be difficult to explain why this is occurring. The Case Manager can assist in this process by listening to their feelings and then helping them formulate a message expressing their hopes for the child.
2. Reasons for foster parents' decision not to adopt a child cover a wide spectrum. Some of the reasons frequently given are provided with a reframed explanation.

### **STATEMENT**

### **REFRAME**

We're too old

We are at point in our lives where we want to retire and do some things that would be harder to do if we were parents to any child.

The child lies and steals

You need a family who can help you learn how to feel safe enough to tell the truth and secure enough to know you can ask for things. We have tried to do this but haven't been able to. We want very much for you to have what you need.

The child can stay as long as he needs to but we don't want to adopt

It is our job to be foster parents, and we enjoy being your foster parents very much. We know that you need a permanent family of your very own. We will take care of you until you are adopted.

The child doesn't fit in with some or all family members

You know that not all families work well together. We have had times when it is hard for us to all get along. This is not necessarily anybody's fault. We want you to have a family where it is easier for you to get along.

The disengagement message would also include statements about what the family likes about the child and acknowledgment of feelings.

3. As a child processes the foster family's disengagement message the Case Manager can encourage the child to describe foster care placements that felt successful. This lays the groundwork for discussions about adoptive placement.

## Work Aid: SAMPLE BLESSING LETTER FROM FOSTER PARENTS

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Dear Joe,

I want so much to be able to give your love to a new family the way we have all given our love to you.

The DCS workers told us to raise you as if you were ours and that is what we have tried to do. We have loved you and corrected you and provided for you as if you were our birth child. That is why letting you go is so difficult.

You have given so much to our family. You have shown us how there is no limit to the number of people you can love with all your heart.

You are such a bright child and have such pretty eyes and smile. Please always share that smile with everyone you meet and look into people's eyes with those pretty eyes of yours. Always be proud and hold your head high. God made you for a purpose.

It is important that you learn to mind and do what your new parents want you to do. God gave us parents to take care of us until we are old enough to take care of ourselves. Please understand that it is a parent's job to help a child understand the consequences of his own actions.

I want nothing more than for you to grow up to have a heart full of love for yourself first because unless you learn to love yourself you can't love other people. You can't give away something you don't have.

I hope you bring your new family as much happiness as you have ours. My heart will always have a special place for you Joe.

I love you so much,  
Mama Jane and Daddy Bruce

**Work Aid: The Cover Story: Helping Children Explain Their Placement** (Donley, Kathryn S, MSW, Trainer/Consultant, National Resource Center for Special Needs Adoption, August, 1978)

When children must live apart from their family of origin, whether in foster care or adoption, they need to master the telling of who they are and how they came to be living apart from their families. Placement workers, beset by the complexities of locating willing substitute families, grappling with the logistics of moving child and belongings intact to a new family, faced with a veritable blizzard of paperwork to approve and finance the plan, may overlook this problem. Before the dust has barely settled, the child will be called on to explain his person, his presence, and his history to a long list of inquirers. New neighbors, teachers, playmates, and acquaintances will ask questions about him and his status. Sometimes the questions will be casually asked; sometimes he will be grilled like a suspect. The child left to fend for himself in these circumstances is usually forced to say too much or too little. Sometimes he “embroiders” the truth and gains a reputation as a liar. Sometimes he volunteers lurid detail and becomes an instant, exotic attraction.

An experienced placement worker knows this in advance and equips the child with a cover story. (Please note: a cover story, not a cover-up story! In the business world, the cover letter is a generally-phrased, all-purpose letter used to summarize more elaborate information provided elsewhere.) In placement, the child can easily learn that his cover story, his short version of who he is, is an appropriate response when people ask him leading questions like: “. . . just where did you come from? . . . how come you don’t live with your folks? . . . but who are you?” Without help in preparing the answers, the child founders. With help, he can respond confidently, truthfully, and yet avoid trapping himself into betraying private matters.

The easiest way to prepare a cover story with a child is to imagine the potential questions, review what is appropriate information to share, and role play questions and answers. This technique works with children of all ages, as long as they have basic language skills and can learn appropriate social responses. Preschoolers, teenagers, retarded children, even disturbed children, can all benefit from such help, as can the families caring for them. To provide the new family with background or current functioning information on a child to be placed and then leave the questions of appropriate handling of that information entirely to their good judgment is foolish. Excitement, surprise, or sheer foolhardiness can lead families into sharing intimate information about a child with people who have no business knowing these things. Placement families must always be warned about that impulsive phone call to a best friend or close family member. The simple trigger of a question like “Well? Tell me what the worker told you about him!” can result in confidence shared which can never be retracted. The child is stripped and betrayed even before placement.

It becomes the job of the placement worker to help the child and his new family anticipate the difficulties and organize a three-step defense:

1. Imagine the potential questions. Actually make a list of the various



possibilities and the persons who may ask the questions. This helps the child and family see the relevance of an abbreviated version of the story. In the excitement and the fantasy surrounding the placement scenario, the everyday facts of living and forming new relationships may not loom large until it is too late and the child or family may be caught unaware and without defenses.

- imagine introducing the child to your neighbor;
- envision the first day of school and the questions asked by classmates and teachers;
- picture the first family gathering and the remarks made by new grandparents, cousins, uncles, etc.;
- consider the first day in the new neighborhood, playing with children who are understandably curious about the new child.

2. Review the appropriate information to be shared. Children often have trouble understanding the right to privacy. They need help to understand that not all people are entitled to detailed answers to all questions. They need help from adults to distinguish between what is known and what is shared. This is a good opportunity to help children learn how to be truthful but appropriate in giving answers to personal questions. It also protects them from disclosing information which might later be embarrassing to them or used against them in destructive or hostile ways.

Simple declaratory sentences are best: “. . . my name is Tony Johnson. . . I used to live in Cleveland. . . I’m gonna live here because my folks have problems. . . I hafta live here until things get better at home. . . I’m being adopted. . . I got adopted because I couldn’t live with my other family any more. . . “

Three basic responses are those most often needed:

- the child’s name (be consistent; use the birth name when the child is in foster care and the adoptive name once adoptive placement agreements are signed);
- the child’s origin (offer the basics only; most people who ask where the child comes from are satisfied with the name of a state or town, more detail is not necessary; children can be taught to deflect more probing by responding with a question of their own :. . . and where are you from?);
- the whereabouts or general circumstances of the child’s biological family (the implication is usually clear, the questioner wants to know why the child is not with them; children can answer briefly and truthfully without providing details; if the questioner is persistent, the child should be comfortable in ending the conversation: “. . . that’s family business. . . I have to go now. . . my family would have to answer that . . .”).

3. Role play questions and answers. Be sure the child knows the three most common concerns (as above) and can comfortably respond to questions about them. The family should be able to respond in accord with the child. A placement worker has a good opportunity to show the child and family they can cope with a new situation with confidence. Everyone feels more competent. They can share an essential social task in anticipating, analyzing, and solving a real life problem. By acting out the possible questions and answers together, they come to grips with a current problem and learn more about each other. They develop a sense of unity. They “put a little more money in the bank account,” meaning they accumulate some shared feelings to draw on later when difficulties arise between them. They may even see this as one good way to solve other problems.

Every child entering a new living situation needs this preparation. When it is a simple matter of a family moving to a new home, the answers to direct questions come easily. When the child moves because of family distress, the answers become more troublesome. Most children are not prepared to deal with the natural curiosity of other children and adults they will meet. It becomes the responsibility of the placement worker to help the child and his new family respond to the situation and the methods used can promote stronger ties between child and family and point the way toward resolving yet other problems.

## **Work Aid: Continuing Contact with Significant Others Following Adoptive Placement**

1. Identify the significant relationship maintained by the child prior to adoptive placement. Relationships to be considered may include birth parents, relatives, foster parents.
2. Assess the quality of the relationship based on: emotional attachment, stated preference for ongoing contact, quality of present contact, type contact now present, impact on the child of present contact, history of relationship/contact, the ability of the parties to work together on behalf of the child in adoption.
3. Based on the assessment determine: if ongoing contact will be in the child's best interest, what the stated desire is of the child and significant others for ongoing contact. Help all parties to understand the recommendation concerning the appropriateness of ongoing contact.
4. Assess with the child and with significant others the understanding of adoption, hopes for the future and obtain the disengagement message or blessing to move into adoption.
5. When ongoing contact is indicated prepare all parties to define roles, working relationships, and the type of contact determined to best serve the child.
6. The need for ongoing contact is an influential component in selection of an adoptive resource and when possible an adoptive resource will be pursued which can support the need for ongoing contact when this is appropriate for the child to be placed.
7. Prior to placement discuss with the adoptive parents recommendations concerning ongoing contact and determine the preference for contact and understanding of the impact this may have on the family.
8. Obtain the consent of all parties for ongoing contact, specifying the type of contact, frequency, and methods of arranging contact.
9. During the placement and post placement process assist in establishing working relationships, roles, usage of names, clarifying purpose/intent, negotiating problem solving, extending support, and assessing results of contact.
10. Continue to monitor the impact of contact and if such contact should become contraindicated and a request made to cease contact, assist all parties in understanding why contact may be modified or ceased.
11. Assist the adoptive family in gaining empowerment to negotiate contact prior to finalization of the adoption.

12. Share with all parties services which may be available after finalization of the adoption.

## **XI. PREPARING THE CHILD FOR LEGAL RISK PLACEMENT AND FREE HOME PLACEMENTS**

**What:** Prepare the children for placement by ensuring that children moving into permanency have the opportunity to understand the reason for separation from the birth family, have the opportunity to grieve their losses, and to understand their individual talents and skills.

**When:** Determination is made that the child is at risk for termination of parental rights and/or reasonable efforts for reunification are not required, the goal is adoption, or the child may be in partial guardianship.

**Who:** Adoption Services Case Manager or Designated Staff providing services to the child

### **Steps:**

- 1. Birth/Legal Family Separation** Help the child understand feelings about his/her birth/legal family and explain why he/she is not living with his/her birth/legal parents. (CR: Preparing the Child for Adoptive Placement)
- 2. Permanency** Help the child see his/her entitlement to a permanent family who can meet his/her need. The child is helped to understand the role of the court and DCS in determining the appropriate permanency plan.
- 3. Legal Risk Foster Parents** Help the child understand the role of their present legal risk foster parents to support children through the permanency decisions made for them.
- 4. Foster Home Separation** Help the child understand feelings about moves from other foster homes and to resolve these separations.
- 5. Adoption Process** If the goal becomes adoption and termination of parental rights occurs refer to Preparing the Child for Adoption procedures.
- 6. Siblings** Follow placement of siblings policy and

Documenting the Separation of Siblings. (CR: Policy 15.01 Adoptive Placement Considerations)

If separation occurs help the child understand permanency planning for his/her siblings.

## **7. Case Manager's Role**

Help the child understand the role as Case Manager in working with him/her and the Case Manager's responsibility in planning permanency. Encourage the child to express feelings and be involved in the plans.

## **8. Involving the Child/Youth**

Engage the child in the process of Life Book work.

For infants and children who cannot engage in life book work, the Case Manager ensures the preparation of a Life Book on the child's behalf.

The Life Book accompanies the child in placement. (CR: Preparing the Child for Adoptive Placement)

## **XII. DOCUMENTING THE SEPARATION OF SIBLINGS**

**What:** Documenting if the separation of siblings best serves the children in making permanency placements.

**When:** Separation of siblings is being considered

**Who:** Adoption Services Case Manager or Designated Staff serving the children, Team Leader, and Team Coordinator.

### **Steps:**

#### **1. Decision**

**NOTE:** DCS places priority on placing siblings together. If considering the separation of siblings, carefully document in the children's case records the decision and the reasons for that recommendation.

Reasons may include:

- the dynamics of the relationship between the siblings is detrimental to one or all of them;
- an evaluation which documents the quality of the bonding of the siblings;
- special needs of one or more of the children that would preclude any one family from meeting all the children's needs;
- long-term relationships with foster parents;
- older siblings who cannot accept adoption.

#### **2. Sibling Contact**

Document in the children's records a plan that would allow the children to remain in touch with each other through personal visits, correspondence, or telephone contact.

If continuing contact is not planned, explain the reasons in the record.

#### **3. Approval**

Document in the case record the review and

approval by the Team Leader and Team Coordinator.



### **XIII. PLACING NATIVE AMERICAN INDIAN CHILDREN FOR ADOPTION**

**What:** Place Native American Indian children for adoption

**When:** Child has Native American Indian heritage

**Who:** Case Manager providing services to the child

**Steps:**

- 1. Determine Native American Indian Heritage**

When the parent and/or child declare Native American Indian heritage, information about the parent(s)/child's heritage should be obtained, including:

  - tribe membership;
  - name of the tribe;
  - registration or band number of the tribe.
- 2. Native American Indian Heritage Established**

Placement planning will be directed by the tribe in which the child has membership.
- 3. Determine Tribe Affiliation**

**Tribe is Known**

Send the tribe a certified letter which includes the following information:

  - identifying information, i.e., parent's names and birth dates, grandparent's names, child's name and birth date;
  - reasons to believe the child is of Indian heritage;
  - reason for foster care placement/adoptive planning;
  - Current court action/legal status of the child.

The tribe has ten days after receipt of your letter to notify the Department of their desire to be involved.

## Tribe is Unknown

Prepare a letter which includes the following information:

- identifying information, i.e, parent's names and birth dates, grandparent's names, child's name and birth date;
- reason to believe the child is of Indian heritage;
- request the child's status as an Indian.

Send the letter, certified mail to:

U.S. Department of Interior  
Bureau of Indian Affairs  
Social Services  
Eastern Area Office  
1951 Constitution Avenue, N.W.  
MS-711 BRYHIL  
Washington, DC 20245

The Bureau has 30 days after receipt of your certified letter to notify the Department of the child's status as an Indian.

If notice is received that the child falls under the Indian Child Welfare Act, follow the steps listed under Tribe Is Known to determine their interest in and ability in planning for the child.

**NOTE:** Most requested addresses:

Cherokee Tribe East  
P.O. Box 455  
Cherokee, North Carolina 28719

Cherokee Nation of Oklahoma  
Attn: Registration Department  
P.O. Box 948  
Tahlequah, Oklahoma 37765

Mississippi Band of Choctaw Indians  
Route 76, Box 21  
Philadelphia, Mississippi 39350

#### **XIV. REQUESTING AN ADOPTIVE HOME**

**WHAT:** Request referrals of approved Adoptive Parent(s), for consideration as a placement resource for children.

**WHEN:** An adoptive home is being sought for a child in DCS guardianship who has the goal of adoption.

**WHO:** Adoption Services Case Manager or Designated Staff, Regional Adoptive Home Record Registrar

##### **Steps:**

- 1. Child Entry Form**

Complete REACT Child Entry Form.  
(CR: Policy 15.05 Registering and Maintaining Status of Children with REACT)  
**NOTE:** The form should check "MATCH."
- 2. Distribute**

Ensure copy of completed REACT form is given to the Regional Adoptive Home Record Registrar and submitted to REACT.
- 3. Response**

Within 5 days the Regional Adoptive Home Record Registrar will use the information on the child entry form to screen for potential families. In referring families, consideration should be given to the following:

  - what the family has indicated as acceptable in terms of the child's age, sex and race;
  - what the family has indicated as acceptable in a child's background and handicaps;
  - the identified needs of the child for placement and the family's ability to meet those needs;
  - preservation of confidentiality of the birth family's identity;

#### **4. Home Within the Region**

Send suggested matches to child's adoption services case manager within 5 days for review and consideration.

Adoptive home records are to be submitted via Form CS-0422 Mailing and Acknowledging Case Record, Record Materials, And Forms. A copy of the form should be mailed to each of the Adoptive Family Case Managers. (CR: 15.02 Adoptive Placement Selection Committee)

Adoptive home studies not selected should be returned to Regional Adoption Records Registrar within 5 days of family selection.

#### **5. No Home Within the Region**

If no home is available or there is insufficient number of families to refer, the Registrar needs to notify the Child's Adoptive Case Manager within 5 days.

Within 10 days of a referral of a family by REACT the family's case manager, after consultation with the adoptive family, is to notify the Regional Adoptive Home Record Registrar and request that the record be submitted to the child's Case Manager to be considered as a placement resource for the child.

Within 3 days of the family's decision not to be considered as a placement resource for the child, the family's Case Manager will notify the child's Case Manager of this decision.

## **XV. CONTRACT FOR SPECIAL NEEDS ADOPTION SERVICES**

- What:** Refer the child(ren) to contract agency to provide adoption services
- When:** The child has been identified as special needs and the contract agency can provide adoption services
- Who:** The DCS Adoption Services Case Manager, Team Leader, Team Coordinator, and contract agency providing adoption services to the child

### **Steps:**

- 1. Define child as special needs**

A child who meets the following criteria is eligible for referral:

  - Caucasian child age 9 and above
  - Child of minority heritage age 5 and above
  - Any race/any age child who has a severe physical, emotional or behavioral handicap
  - Any race/any age sibling group of three or more children who are to be placed together
  - Any race/any age child whose life experiences includes severe abuse as defined by state statute
  - Any race/any age child who is HIV positive
- 2. Identify children to be placed**

The DCS Adoption Services Team Coordinator will determine which children are appropriate for referral to the contract agency.
- 3. Ensure TPR has been obtained**

The DCS Adoption Services Team Coordinator will verify that all TPR's, surrenders, and appeals are finalized on all legal/birth parents.  
(CR Policy 15.3)
- 4. Complete Referral for Adoption Services form**

The Adoption Services Case Manager, with clearance from the Team Leader, will complete and sign the Referral for Adoption Services form and submit the form to the Adoption Services Team Coordinator for review and referral. The DCS Adoption Services Team Coordinator will review the referral form and refer the child to the appropriate contract agency.

When the child is being served in the continuum program of the adoption services contact provider, and the child is referred for adoption services, the contract provider must

provide adoption services to the child. The Team Coordinator will complete the Referral for Services, Authorization of Services and submit a copy of the child's case record to the provider agency.

If the child is not in a continuum, not served in a foster care setting by an adoption services contract provider and is to be referred for adoption services, the Team Coordinator must justify the referral to a contract provider by:

- The child's characteristics (i.e. the child who is a medically fragile child may be more appropriate for one contract provider while an older child may be more appropriate for referral to another provider);
- Agency characteristics (the agency's strengths, services provided by the agency, experience level in serving the child to be referred);
- Rotation of referral (i.e. the child may be one who could be served by several contract providers. If so, referral is to be made on a rotating basis.); or
- Other (i.e. the child who requires maximum preparation may not live in close geographic proximity to the next contract provider staff to receive the next rotation referral or a child's siblings are currently being served by the provider agency).

The DCS Adoption Services Team Coordinator will track the child referred by utilizing the tracking form developed specifically for this task.

## **5. Provider agency referral response**

If the child is not within the continuum, the contract provider will review the referral and determine the appropriateness of the referral. The contract provider will complete the referral form and indicate the decision to serve the child by:

- Accepting the referral; or
- Requesting a conference with DCS Adoption Case Manager, Team Leader and/or Team Coordinator to obtain additional information on which to base their decision; or
- Denying the referral (a reason for denial must be given by the provider agency).

The provider agency Program Director must sign and date the completed form and return the form to the DCS Adoption Services Team Coordinator

- |   |  |
|---|--|
| <b>6. Provide copy of entire record and authorization of services</b>       | <p>The Adoption Services Team Coordinator will complete the Authorization for Services form. The DCS adoption case manager will provide a copy of the entire record to the contract agency, while maintaining the original file until time to seal the adoption record. The record and authorization for services will be submitted to the provider agency within five working days of the agency's acceptance date on the referral.</p>                       |
| <b>7. Assess placement with siblings</b>                                    | <p>DCS and the provider agency will assess the placement with siblings, however, the DCS Adoption Services Team Coordinator must approve any separation of siblings. (CR: Policy 15.1)</p>   |
| <b>8. Therapeutically prepare the child for adoption</b>                    | <p>The provider agency will prepare the child for adoption utilizing the guidelines and criteria currently implemented by DCS.<br/>(CR: Preparing the child for Adoptive Placement)</p>  |
| <b>9. Prepare the Pre-placement Summary and Presentation Summary</b>        | <p>The provider agency will prepare the Pre-Placement Summary and the Presentation Summary following the guidelines set forth by DCS. (CR: Preparing the Preplacement Summary and Preparing the Presentation Summary)</p>  |
| <b>10. Maintain child's foster care placement</b>                           | <p>The provider agency will preserve the child's current foster care placement by providing appropriate foster care management and supportive services.</p>  |
| <b>11. Submit monthly progress reports</b>                                  | <p>The provider agency will submit monthly progress reports on the child to DCS until finalization of the adoption. The reports will be completed by using the Monthly Reporting form.</p>   |
| <b>12. Complete Permanency Plan, court reviews, and foster care reviews</b> | <p>The provider agency and DCS will ensure that all federal and state timeframes are met on each child. (review within 3 months of custody and then review every 6 months thereafter with a court review at least every 12 months) The provider agency will prepare the appropriate forms (Permanency Plan, Progress Report and/or court report) for each review.</p> <p>The DCS Team Leader or Team Coordinator will need to approve the permanency plan.</p> |

Both DCS and the provider agency will need to have a representative at court reviews. These persons would be the Adoption Services Team designee and the contract provider Adoption Counselor serving the child.

**13. Maintain Child Welfare Benefits in current status**

The provider agency will complete appropriate forms as updates/changes occur and forward these to the Child Welfare Benefits worker. At the time of adoptive placement, close TnCare in the birth name and apply for TnCare in the adoptive name.  
(Forms: CS-0475, CWB Application; CS-0476, CWB Determination Notification of Change in Circumstances; CS-0477, CWB Redetermination)

**14. Maintain TNKids**

The provider agency will submit all information on the child directly to the DCS keyer utilizing a paper template or via internet in order to maintain a current status in TNKids. This should include, but is not limited to, LEA, EPSDT, Dental, Permanency Plan, Goals, Type of placement, and any other changes recorded in TNKids.

**15. Ensure current EPSDT and dental services**

The provider agency will make appointments and ensure that the child receives an EPSDT at least yearly and a dental check at least twice a year. These medical dates must be reported on TnKids.

**16. Maintain Resource Exchange for Adoptable Children in TN (REACT) status)**

To register a child and/or family with REACT, the provider agency will complete and submit appropriate REACT forms on the child and families and provide updated information as changes occur or as they meet the criteria for REACT.  
(CR: Policy 15.5 and 15.6)

**17. Assess potential adoptive family resources**

When the foster family is not the adoptive family, the provider agency will explore and assess potential adoptive family resources for the child through their pool of available adoptive families and REACT.

**18. Recruit adoptive families**

When the foster family is not identified as the adoptive family, the provider agency must request a search for adoptive family referrals through REACT. If there are no families available through REACT, the provider agency will prepare and implement an Individual



Recruitment Plan for the child, using the Department's approved model.

**19. Prepare families with the PATH process**

The provider agency will provide assessment and preparation of families for adoption utilizing the PATH process. This will include, but is not limited to, writing the homestudy using DCS format, obtaining fingerprint results, and registering the family with REACT.

The provider agency will be responsible for securing fingerprint clearances.

**20. Select family via the selection committee**

The provider agency will prepare a preplacement summary, homestudy, and obtain a release to share the study and convene an Adoptive Placement Selection Committee according to Departmental policies and procedures. DCS must be part of the selection committee to approve/disapprove potential adoptive placements. (CR: Policy 15.2)

**21. Approval of foster parent adoptions**

The provider agency will present the preplacement summary and adoptive homestudy of the foster family to DCS. The DCS Team Coordinator/Team Leader will review and approve/disapprove the foster home for the purpose of adoptive placement. (CR: Giving Foster Parent(s) First Preference to Adopt)

**22. Present the child to the family**

The provider agency will conduct a preplacement conference with the DCS case manager/licensed child placing agency staff serving the adoptive family when placement is being made outside the foster family. The provider agency/DCS/licensed child placing agency staff, as appropriate will present information about the child to the adoptive family using the child's presentation summary, medical records, educational records, and current pictures of the child.

The agency serving the family will obtain family's decision to commit to the child.

When placing the child with a new family, the provider agency in coordination with the agency serving the family will plan and implement a pre-placement plan for the child and family. The pre-placement plan and activities between the child and adoptive family will be conducted in

accordance with the child's developmental levels and needs.

**23. Present the family to the child**

The provider agency, once the family has committed to the child, will present adoptive family information to the child, utilizing photo albums, etc.

**24. Negotiate Adoption Assistance**

The provider agency will discuss the child's eligibility for and negotiate adoption assistance with the adoptive family consistent with DCS policy. The provider agency will complete appropriate applications utilizing DCS foster care rates.

DCS Adoption Services Team Coordinator will approve/deny these applications.

The provider agency will be responsible for all revisions and renewals until finalization of the adoption. (CR: Policy 15.11)

**25. Adoptive placement with the family**

The provider agency will sign the adoptive placement agreements, utilizing the current DCS forms.

The provider agency will notify the resource unit with DCS to stop foster care payments to the agency and free the foster care slot. The DCS resource unit will make appropriate changes to cease foster care payments and free the foster care slot.

The provider agency will report the adoptive placement of the child to REACT via the Child Status form.

The provider agency will submit a copy of the REACT Child Status form showing adoptive placement and Standard Claim Form billing one half of the adoptive incentive payment to the Adoption Services Team Coordinator. (Full amount of \$9,000 for a child under the age of 12 and \$12,000 for a child age 12 and over.)

The DCS Adoption Services Team Coordinator will sign and date the Standard Claim Form as authorizing agent of the Department. The Team Coordinator will submit the claim for payment.  
(CR: Standard Claim Invoice Instructions)

**26. Provide post placement services until finalization of adoption**

The provider agency will conduct supervision of the home in compliance with DCS policy, will provide therapeutic services for the child and family as needed, provide information to the family's attorney for the filing of the adoption petition, and seek clearance of the Putative Father Registry. (CR: Policy 15.4)

**27. Respond to disruptions**

The provider agency will coordinate services with DCS to respond to families and children experiencing a disrupted adoptive placement and the provider agency will report the disruption to REACT. The provider agency will provide therapeutic services to the child and family and will be responsible for replacement of the child in the event of a disruption.

**28. Report to court**

The provider agency will obtain the signed Consent to the Adoption by the DCS Team Coordinator/ Team Leader serving the child.

The provider agency will prepare and submit court reports and necessary documents as required by the court and utilizing DCS format.

The provider agency will complete application for new birth certificate by adoption.  
(CR: Responding to the Receipt of an Adoption Petition/Order of Reference; Providing for the Issuance of a New Birth Certificate by Adoption)

**29. Adoption finalized**

The provider agency will attend the court hearing to finalize the adoption.

The provider agency will report the finalization of the adoption to REACT via the Child Status Form.

The provider agency will submit a copy of the REACT Child Status Form showing finalization of the adoption and Standard Claim Form billing the remaining one half of the adoptive incentive payment to the Adoption Services Team Coordinator.

The Adoption Services Team Coordinator will sign and date the Standard Claim Form as authorizing agent of the Department. The Team Coordinator will submit the claim

for payment. (CR: Standard Claim Invoice Instructions;  
CR: Reporting Finalization of the Adoption.)

The provider agency will develop and furnish a satisfaction survey as an evaluation tool.

**30. Seal adoption  
record and submit  
to Adoption Services  
in Central Office**

Once the new birth certificate is obtained, the provider agency will obtain the original record from DCS. The provider agency will prepare and submit the record for permanent filing in compliance with DCS procedures.

(CR: Preparing the Record for Permanent Filing)

**31. Provide post  
legal services**

The provider agency will assist the family in securing needed post finalization adoption services to the family, either directly or through referral for a period of six (6) months.

## **SERVICES TO ADOPTIVE PARENTS**

### **Introduction**

Adoptive/foster parents face many challenges as they prepare to adopt a child, whether they knew that child as a foster child, or whether they are a new family. They must prepare to do the following:

- explain adoption to the child as he/she grows up;
- help the child cope with feelings about his/her past and the separation from birth/legal parents;
- possibly accept their adopted child's wish to future searches for the birth/legal parents.

DCS uses Parents As Tender Healers (PATH) to prepare adoptive/foster parents together about the following adoption issues:

- children's feelings about birth/legal families;
- separation and attachment issues;
- parenting sexually abused children;
- the impact a child will have on the family.

Because adoptive/foster parents need preparation, encouragement, and support, DCS carefully assesses all applicants for parenting, encourages them to assess their parenting abilities, and helps them to identify the characteristics of a child they feel they can most successfully adopt.

### **Legal Base**

TCA 36-1-101—36-1-141

Assessment Criteria for Approved Adoptive Parents

4

Procedures

I. Responding to Inquiries

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Work Aid: Thank You for Recent Inquiry About Adopting

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FORMS:

- Initial Inquiry for Prospective Foster/Adoptive Parents
- CS-0411 Application for Parenting  
Substitute W-9
- CS-0426 Adult Medical Report Medical History of Foster/Adoptive Applicant
- CS-0427 Child Medical Record  
Monthly Family Income and Expenditures
- CS-0412 Family Assessment Profile  
Authorization for Release of Information  
Release Authorization for Background Investigation  
Transracial/Transcultural Questionnaire  
Resource Exchange for Adoptable Children in Tennessee Family Entry Form  
Resource Exchange for Adoptable Children in Tennessee Family Status  
Form
- Confidential Policy
- CS-0417 Eco-Map  
Checklist for Foster Parent Applicants  
Discipline Policy

## **ASSESSMENT CRITERIA FOR APPROVED ADOPTIVE PARENTS**

While emphasis is placed on preparing the family to meet the on-going needs and challenges of the child they wish to parent, the following criteria must be considered:

- Have personal characteristics and relationships that make it possible to care for a child and to promote the well being of a child;
- Have an adequate child care plan available for the child during the parent's working hours;
- Have a contingency plan for the child, (i.e., a plan in the event of the death or disability of the parent);
- Have sufficient income/financial stability to meet their own needs and the child's daily expenses and future needs;
- Provide medical information that verifies the following:
  - \* The adoptive parents have the physical and emotional stamina to care for and support a child until he/she completes an education and is old enough to become self-supporting;
  - \* All members of the adoptive household appear free from contagious diseases;
  - \* The health status of all members of the prospective adoptive family. (Medical Report form for Foster or Adoptive parent applicant and/or Child's Medical Record form, or copy of current physical completed within six months.);
  - \* Psychiatric or psychological treatment and/or substance abuse treatment; DCS will not deny an applicant adoption services simply on the basis of treatment history. DCS will evaluate the treatment and the applicant's current functioning. DCS will request a report from the therapist or treatment facility if there is concern about the applicant's parenting ability;
  - \* If the applicant is receiving disability compensation, reasons for such compensation must be documented and evaluated to determine the impact of the disability on the person's ability to parent the child they wish to adopt.
- Plan for the child's religious training; DCS informs the applicant of the child's religious background;
- Plan for the child's education;
- Involve all household members in the adoption decision;



- Have adequate housing to promote and safeguard the child's health, safety, and recreational activities; if there is serious concern, DCS may request the Department of Health to inspect the home and recommend corrections. The home must have a functioning fire extinguisher. Smoke detectors must be located in the child's room or hallway outside the child's room;
- Have a working telephone;
- Families must meet state and federal motor vehicle safety standards which include but are not limited to:
  - \* Having children ages four and under or under 40 lbs. in child passenger restraint seats;
  - \* Having children over four buckled in with seat belts;
  - \* Having children 12 and under seated in the rear with buckled seat belts in cars that contain air bags;
- Participate in an orientation process that evaluates the following: (WA's: Mutual Selection Criteria, Transracial/Transcultural Questionnaire, Legal Risk Parenting and Parenting Sexually Abused Children)
  - \* Know how resource families differ from families formed by birth;
  - \* Understand how and why children in the child welfare system develop survival behaviors;
  - \* Understand the importance of assessing family strengths and using resources successfully;
  - \* Understand the importance of separation, loss and grief for children who have lived in the child welfare system;
  - \* Understand how to help children in transition establish new relationships without giving up former attachments;
  - \* Understand attachment and its importance in successfully raising children from the system;
  - \* Understand that disciplinary techniques used with children from the child welfare system differ from those used with children living with their birth families;

- \* Understand how to plan for crisis as a predictable part of life as a resource family.
  - \* If adopting a child of a different racial heritage, the ability to create a lifestyle that will encourage the child's socialization, and the ability of the applicants to preserve the continuity of the child's racial, ethnic, and cultural identity in a positive manner. The applicants must evaluate their own racial prejudices and ability to cope with racial inequities. They must assess how the reaction of other children in the home, the extended family, and the community to the transracial/transcultural adoption, will impact the child. The applicants must have a plan to integrate the adopted child into this dual heritage environment while embracing and valuing the child's racial identity. The applicants must understand that adopting transracially/transculturally permanently changes the racial/cultural make-up of their family.
- Must be fingerprinted and provide information about whether they have a criminal record and, if so, the nature of the crime;
  - Provide names of references (one relative per applicant and three friends), who have observed the family's interaction with children. DCS uses references to help determine a family's approval and may share the information with the applicant;
  - Provide verification of marriages, divorces, births, adoptions, and custody matters of children in the home, if applicable; DCS uses the documents to certify information for the court;
  - Provide authorization for release of information to DCS.

## **I. RESPONDING TO INQUIRES**

**What:** Respond to inquires, by sharing basic information about adoption and obtaining basic information from the person inquiring.

**When:** Within One Week

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

#### **1. DCS Information to be Shared with Prospective Applicant.**

Set a positive tone and share the following information:

- DCS accepts applications from all persons regardless of race and ethnic background who meet the following requirements for adoptive parents:
  - \* Are TN residents
  - \* Married or single
  - \* 18 years of age
- Orientation process, although preparation does not obligate applicants to become adoptive parents. Applicants may withdraw at any time;
- Financial, legal, including fingerprinting and criminal background checks, and medical information is required;
- Overview of the mutual selection and preparation processes;
- Time frames for participating in the orientation process, (Explain that all applicants must participate in the meetings and must make up meetings missed.);
- Children available are those who are in the department's guardianship, and who have the goal of adoption. Those children are:
  - \* All age children of minority heritage;
  - \* All age children of mixed-racial heritage;

- \* Caucasian children ages 9 and above;
- \* Any age/race children in a sibling group of three or more who are to be placed together;
- \* Any age/race children who have an emotional, mental, or physical condition that would present a significant challenge to the adoptive placement.

**2. Obtain and Document Information from the Inquirer**

Complete Initial Inquiry for Prospective Foster/Adoptive Parents

**3. Ineligibility**

If the inquirer does not meet the adoptive parent requirements in Step 1, explain the reasons.

Acknowledge his/her disappointment and yours. Refer him/her to another agency or program, if appropriate. If appropriate, mention his/her possible eligibility at another time and ask him/her to call back.

**4. Confirmation**

Send written confirmation of the inquiry and share Adoption Information. (WA: Thank You For Your Recent Inquiry, Adoption Information)  
If family preparation classes are scheduled, notify the applicants of the date, time and location of the meeting.

## **Work Aid: TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES ADOPTION INFORMATION**

### **Who Can Adopt?**

- You can be married, single, or divorced;
- You may or may not have other children;
- You can work full time;
- You don't have to be rich or live in elaborate housing;
- You must be able to meet the financial and emotional needs of your own family;
- You must be at least 18;
- You must be a resident of the State of Tennessee;

Essentially, if you are stable and can provide a child with the love, as well as the support he or she needs, you may be a candidate to become an adoptive parent.

### **Who Are The Children?**

- Caucasian children age nine or older, especially teen-agers;
- Sibling groups of three or more children who are to be placed together;
- Minority or mixed heritage children, especially age five or older;
- Children with physical, mental and/or emotional challenges.

### **What Does It Cost?**

- There is no fee for our services. Your expenses will be those related to parenting the child and for the legal fees necessary to finalize the adoption.
- In some cases financial assistance may be available to meet the child's special medical, emotional, or daily needs.

### **What Happens When I Call?**

- A case manager will provide you with more information about the adoption process.
- You will be invited to attend preparation classes to learn more about the needs of the children who await adoptive placement and how to capitalize on the strengths you already have in order to prepare to parent through adoption.

For more information, call the Department of Children's Services in your area.  
Call \_\_\_\_\_ and ask for the Adoption Case Manager.



State of Tennessee  
DEPARTMENT OF CHILDREN'S SERVICES

**Work Aid: THANK YOU FOR YOUR RECENT INQUIRY ABOUT ADOPTING**

Dear :

Thank you for contacting our office about becoming a parent through adoption.

You have probably heard many stories of what one couple, another person, or a "relative or a relative's friend" experienced in applying to adopt. We would like to share something about the Department of Children's Services adoptive home study process and give you some things to think about.

In thinking about adopting a child, you have probably begun to consider qualities important in being a parent. Those qualities for being a birth or adoptive parent are the same...qualities such as liking children, the ability to love, give affection, be understanding and accepting of a child's abilities and limitations, be sensitive and responsive to a child's needs. The adopted child brings a past, a birth history and past relationships which you must be able to accept and acknowledge both to yourself and with the child.

The home study process consists of attending PATH (Parents As Tender Healers) classes with other prospective adoptive parents. It is a time to learn about issues an adopted child may have, such as feelings about birth parents, separation and attachment issues, and a time to help you assess the types of behaviors, emotional and physical challenges you feel you can accept. At the conclusion of this process you will have defined the characteristics of the child you feel you can most successfully parent.

An Adoption Information Sheet is enclosed which gives some additional facts. We will notify you when the next PATH classes are scheduled. We look forward to seeing you there! In the meantime, please feel free to call me at \_\_\_\_\_ with any questions you may have.

Sincerely,

## **II. CONDUCTING ADOPTIVE PREPARATION GROUP TRAINING**

**What:** Conduct 30 hour group meetings and complete Mutual Selection Process. These meetings, along with the home study, and disposition of the application, comprise the Mutual Selection Process.

**When:** Begin sessions as soon as possible after inquiry from prospective adoptive parent. Home study will be completed within 60 days of the completion of PATH.

**Who:** Leaders and co-leaders should be certified as PATH (Parents as Tender Healers) leaders. Use trained adoptive parents as co-leaders when possible.

### **Steps:**

#### **1. Scheduling**

Schedule group sessions at a time when all appropriate members of applicant's family can attend.

Combine families from several counties in a joint group if each county has small number of applicants. Case managers will be responsible for completing home studies on families from the area they serve. If this is not possible, the home study may be a collaborative effort between the group leader(s) and case manager(s) serving the area where the family resides.

25 participants is an ideal number to begin each group. Make exceptions as needed to avoid losing interest of potential applicants.

Require applicants to attend all group sessions. If applicants miss a session or cannot attend at all (for example: one spouse is a truck driver who is away for extended periods of time), sessions will be made up individually or by attending that session during another group training. Exceptions must be documented and approved by Team Leader.

All adult members of the household who will have parenting or child care responsibilities are required to attend.

**NOTE:** If a parent orientation group cannot begin soon after the initial inquiry, plan activities to maintain the inquirer's interest. For example, conduct intake meeting to give information. Send reading materials, or take some of the required forms to the inquirer's home.

## **2. Parent Preparation Sessions**

Obtain training materials, forms, etc., from the area office or usual supply procedures.

Conduct PATH orientation group. (CR: PATH Manual)

Leaders and co-leaders should emphasize adoption issues throughout the Selection Process. Issues that adoptive parents need to understand are:

- The purpose of group orientation is to give families the information they need to make a decision about adopting. If they feel that adoption through the Department is not right for them, they can decide to discontinue the group preparation (select out), and the group has fulfilled its purpose;
- Their own expectations of having children, including, acceptance of their own infertility, if applicable;
- The differences between adoptive and biological parenthood;
- The foster care process, backgrounds and life experiences of waiting children;
- The need for adopted children to understand and accept their background;
- The adoption process (WA: Adoption Process, the permanence of their adoption commitment, and post-placement services;



- The family's assessment of what kind of child(ren) would best fit their family's strengths; areas to consider are age, sex, number of siblings, family background, physical/emotional/behavioral challenges;
- When adopting a child(ren) of a different race/culture, the family's commitment to preserve the child(ren)'s cultural heritage; (CR: Policy 15.01 Adoptive Placement Consideration)
- The family's assessment of their ability to accept legal risk, lack of background information (in the case of an abandoned child), and open adoption (WA: Outline for Training Legal Risk Families and CR: Openness in Adoption);

### **3. Establish the Adoptive Home Record**

(CR: Establishing The Adoptive Home Record)

## **WORK AID: Adoption Process**

Use the following when you discuss the adoption process with prospective adoptive family:

1. A family is selected for a child(ren) from the home studies of many families who want a child like this one. A selection committee, which can be composed of the child's case manager, the families' case managers, team leaders, and others, makes the decision and chooses the family who has the most strengths for this child. Remember, the Department's commitment is to find families for our children, not to find a child for your family. After your home study is finished and approved, we will not be in touch with you as often as we were. We always welcome your calls, but many things are happening to prepare children for adoption and to match families with the children we are working with. You may see recruitment efforts in the newspaper, the Internet, etc., and we hope you will watch for these and let us know of any child who interests you.
2. When a family is selected for a child, the family is invited to a presentation meeting during which they are given a great deal of verbal information, a written non-identifying summary about the child's history and family background, and pictures of the child. The purpose of this meeting is to give the family information so they can decide if this child is right for them.
3. If the family does not feel this child is right for them, their reasons are noted, so they can be considered for a child more appropriate for them. They give the information about the child back to their case manager. If the family says "yes," plans are made to meet the child and begin visiting and getting to know him/her. The family keeps the non-identifying summary they received during the presentation to use as a reference as the child grows up.
4. The child's case manager introduces the family to the child with verbal information and a picture album made by the family with pictures of themselves, their house (outside and inside), their pets, church, school, etc.
5. During the first visit the child meets his adoptive family for a short visit. This visit usually takes place in his foster home where he feels the most comfortable.
6. Other visits include taking him to the park, to a store, etc., for a short time, visits to the adoptive family's home for the afternoon and later overnight and weekend visits. The schedule of these visits is decided on before the child meets the adoptive parents and varies according to the child's age and adjustment.
7. When adoptive placement is made, there is an adoption party, usually held at the foster home, at which the adoptive family, foster parents, relatives of the foster parents, friends from school and church, etc., wish the child well. During the party,

papers are signed, and the child moves officially to his adoptive home. The child goes by his adoptive name from this point.

8. After the child has lived with his adoptive family for at least 6 months the adoption can be finalized during a court hearing. The family will need an attorney to file their petition to adopt and to be with them during the hearing. Soon the family will receive the child's new birth certificate with his adoptive name. After the adoption is finalized, the child's legal status is the same as if the child had been born to the adoptive family.
9. The child's birth parent's rights always must be terminated before a child can be adopted. Sometimes a child who is not yet legally free for adoption is placed with a family who intends to adopt the child when termination of parental rights occurs. This is called a legal risk placement and is only done with the family's knowledge and consent. The family takes a risk that the birth parent's rights may not be terminated. They also have to work with the birth parents and the Department toward reunification, if the parents are working on their Permanency Plan. When and if the termination of parents' rights does take place, a legal risk placement saves the child from having to move and to adjust to another family.
10. Open adoptions are those in which there is sharing of non-identifying information between the birth parents, adoptive parents and adopted child. There is ongoing information exchange (i.e.), pictures, health status, marital status, death in the family, development of serious illness in the family, development of a genetically determined condition, or disease in the birth family or the adoptee), either directly or through the agency between birth parents and adoptive parents. The type of contact varies and continues after the adoption is final. This kind of adoption is done only with prior knowledge and consent of all involved parties.

## **Work Aid: TRAINING FOR LEGAL RISK FAMILIES**

### **FAMILIES TO BE TARGETED:**

- Approved and waiting families who are willing to accept Legal Risk Placements.
- New applicants who have completed the preparation process and have expressed a desire to accept legal risk placements.

### **OBJECTIVE:**

- Prepare families for their roles as Legal Risk foster families. Include basic information about foster care as well as the following:
  - \* Their role in fostering children.
  - \* Roles as foster parent versus adoptive parent.
  - \* Shared parenting with agency and birth parent.
  - \* Accepting whether they can make the emotional investment to a child who they may not be able to adopt.

### **LENGTH OF TRAINING:**

- Four Hours

### **ICEBREAKER:**

- Visualization activity to focus on feelings of ambiguity. (Use flip charts to assist)
- Participate in imagining that they are to start a new job the next day;
  - What are they looking forward to with the change?
  - What are their fears/concerns?

#### **A. THE FOSTER CARE ROLE:**

- Present basic information about the foster care system. Include basic policies, emphasis on partnership and rights and responsibilities of foster parents. The foster care contract is to be used as a handout;
- Brainstorm: What skills are needed to be a foster parent rather than an adoptive parent;
- Discuss the child's emotional attachment to birth family;
- Discuss the fact that legal decisions are made by DCS;
- Discuss shared parenting with DCS, birth family and foster parents;
- Re-emphasize Discipline Policy.

#### **B. IMPACT OF THE SAFE FAMILIES ACT ON CHILDREN WHO WILL NEED ADOPTION:**

- The Adoption and Safe Families Act of 1997 (ASFA) requires the Department of Children's Services to make reasonable efforts to preserve and reunify families. If continuation of these reasonable efforts are not feasible, then reasonable efforts must be immediately made toward a permanent plan for the child. The reasonable efforts to reunify a child with his/her family may be made simultaneously with efforts to ensure a permanent placement for the child; this is known as concurrent planning. Concurrent planning allows the family time to comply with the permanency plans, while ensuring a prompt permanent placement for the child through adoption should the family be unable or unwilling to comply with the permanency plan.

#### **C. IMPACT ON THE FOSTER FAMILY:**

- Panel or small group exercise. Experienced parents will share how they parented children in crisis or children in situations prior to parental rights being terminated.

#### **D. THE FOSTER PARENT'S ROLE WITH CHILDREN:**

- Use scenarios and handouts to give foster parents the "words to say" and to help them to manage children's feelings and behaviors. Emphasize managing the confidential information about children, and suggest responses to children's hard questions, such as:

- What's going to happen to me?

- Why do I have to visit my birth parent?
  - Why can't I go back to my parents?
  - Will you adopt me?
- Discussion will include use of the life book as a therapeutic tool in working with children.
- Group exercise:
  - Participants will divide into groups and each will have a scenario to discuss and brainstorm responses to the child. They will identify tools to assess the child's feelings, reactions, and behaviors as well as assessing their own feelings. Emphasize how to explain a move to a child and how to compose a disengagement message.

#### **E. HANDLING ADULT FEELINGS:**

- Involve the entire group in the brainstorming exercise. Discuss the stresses involved in parenting children in crisis and/or in ambiguous situations. Help participants assess how they have dealt with stress in the past. Emphasize how foster parenting brings back feelings surrounding their own issues of loss.

**CASE EXAMPLE: ANTHONY**

**SITUATION**

Anthony is a 13 year old whose foster family is unable to care for him anymore due to the foster family having medical complications. Anthony was removed to a temporary placement with a foster family who wanted to help him during this transition. Anthony really feels safe with this family (the Johnsons) and wants this family to adopt him.

1. How can the Johnson family let Anthony know that they are committed to being foster parents and are not interested in adopting?
  
  
  
  
  
  
  
  
  
  
2. What can they say to help him to remain positive about adoption and not take their answer as rejection?
  
  
  
  
  
  
  
  
  
  
3. How do they help him move to permanency?

**CASE EXAMPLE: TASHA**

**SITUATION**

Tasha is a 6-year old girl who lived with her foster family for two years. During the two years she saw her birth mother once and talked to her on the telephone six times. The decision was made by the judge for the birth mother's parental rights to be terminated. Tasha's foster family committed to adopting her if she was not reunited with her birth parents. Tasha is very upset that she cannot see or be with her birth mother.

1. What do you say to Tasha when she asks you to please let her live with her birth mother?
  
  
  
  
  
  
  
  
  
  
2. What do you say to help her express her feelings and at the same time let her know you are committed to adopting her and being her new family?



**CASE EXAMPLE: FIVE SIBLINGS**

**SITUATION**

Five children ages 2, 3, 4, 5 and 7 were placed in the home of Betty and John Jamison who are a foster family. They are considered a foster/adopt family as they are committed to adopting these children if they are not reunited with their birth mother or birth father. The Jamisons want to support whatever decision is made by DCS and the judge.

1. How do these parents explain to the children why they must still see their birth parents?
2. How do they explain if the children ask if they will adopt them?
3. How do the Jamisons deal with their own feelings when the judge terminates the parent's rights and the birth parents legally appeal this decision?
4. How do they explain this to the children?

**CASE EXAMPLE: JOSHUA****SITUATION**

Joshua is an 11-year old boy who has been with the Smith family for five years in foster care. This family adopted two other foster children but has not adopted Joshua. Joshua has been legally free for two years. Joshua has been hospitalized due to emotional and behavioral problems. Joshua's foster family has wanted to adopt him hoping he would first be stabilized. Joshua has been stable emotionally and behaviorally for over a year but the family remains unable to commit to adopting Joshua. Because the Smiths remained unable to commit, the DCS counselor has made the decision to place Joshua with another family who will adopt him.

1. How can the adoptive family help Joshua deal with his feelings regarding his loss of the Smiths?
  
  
  
  
  
  
  
  
  
  
2. What do they say to support him but not rescue him from his feelings?
  
  
  
  
  
  
  
  
  
  
3. How should the family respond when Joshua says that the Smiths did not adopt him because he was bad?

**CASE EXAMPLE: TOMMY****SITUATION**

Tommy is three years old and has been living with his foster/adopt family since he was six months old. He has visits with his birth mother every other week. The birth mother is inconsistent with visiting. Tommy cries for two days after the visit with the birth mother. He was returned to the birth mother at age two for six weeks, coming back to his foster/adopt family after it became apparent to DCS that the birth mother was unable to meet Tommy's needs. It was thought at that time the birth mother's parental rights would be terminated. The birth mother increased her efforts to make changes and the termination was delayed. The birth mother was unable to consistently follow through with changes. It is now thought that parental rights will be terminated but the process is slow.

1. How do you think this family is feeling?
2. How can they deal with their feelings?
3. What should they say to Tommy when he is upset after visits with the birth mother?
4. How can the family support reunification of Tommy with birth mother when it appears she cannot care for the child?

### **III. ESTABLISHING THE ADOPTIVE HOME RECORD**

**What:** Establish the Adoptive Home Record

**When:** Upon receipt of a completed adoptive parent application

**Who:** Adoption Services Case Manager or Designated Staff

#### **Steps:**

##### **1. Forms**

Insert the following forms in the adoptive home record:

- Initial Inquiry;
- Application for Parenting;
- Substitute W-9;
- Medical Report Adult;
- Medical Report Child;
- Monthly Family Income and Expenditures;
- Authorization for Release of Information;
- Release Authorization for Background Investigation;
- Transracial/Transcultural Questionnaire, (if applicable);
- REACT Forms;
- Confidentiality policy form;
- Eco Map;

Note: For families who will accept Legal Risk Placements, include:

- Discipline Policy;

- Foster Parent Checklist.

## 2. Verifications/Documentations

Obtain the following verifications:

- Copies of birth certificates for entire family;
- Marriage, death, and divorce verifications;
- Custody and adoption verifications;
- Documentation of UL approved smoke detectors and a functioning fire extinguisher in the home;
- Documentation of a child restraint device available for children under age of four;
- Working telephone;
- Fingerprinting;

**NOTE: Fingerprinting is required of all adoptive parent applicants. When fingerprints have been done but results of the fingerprints have not been received, a criminal record check for a period of 5 years is required. When there is no criminal record and the prospective adoptive parent(s) meet all other requirements, approval of the adoptive home may be granted. Under no circumstances will DCS seek finalization of an adoption until there is clearance of fingerprint results received by both the TBI and FBI.**

- Criminal Background and DCS Check;

**NOTE: If the criminal record of a prospective adoptive parent cannot be verified for a period of at least the past 5 years, they shall not be approved without verification of a record as**

**provided by fingerprint analysis by the TBI and FBI.**

- TBI Internet Check.

### **3. Home Study**

The adoptive parents will each provide an autobiography (WA: Autobiography Outline). Write an outline/narrative following the Adoptive Home Study Outline that indicates what took place during the PATH mutual selection process and include it in the record. Work Aid, Individual Interview and Family Interviews in the Preparation Process may assist in gathering information.

To ensure all forms, verifications, documentation is in the record, case managers and team leaders may use Work Aid, Home Study Checklist.

## **Work Aid: AUTOBIOGRAPHY GUIDE**

No one knows your life better than you do. Tell us about it in your own style, covering the following topics. You may tape record or write it. Remember, what you write is more important than how you write it. These questions are just a guide, so don't worry about answering every question. We'd prefer that you use this size paper, which is available from your leaders. Don't worry about spelling, handwriting, or getting a "grade" – it's your life.

- **YOUR FAMILY:** Describe the home or homes you lived in as you grew up. What were the members of your family like? What are some of your most important memories (good or bad ones)? What challenges did your family face?
- **FAMILY RELATIONSHIPS:** Describe your parents as a couple. What kind of relationship did they have as you were growing up? How did they handle money, discipline of children, sex education? In what ways would you hope to be like them as a parent? What things would you do differently?
- **GROWING UP:** Who did you feel closest to as you were growing up? Was your family happier or less happy than most families? Why? What was school like for you? Describe friends and activities during your growing-up years. What were your biggest problems in your teenage years?
- **JOB HISTORY:** Please describe your job history, giving the reasons for leaving each job, what you liked and disliked about each job? What do you enjoy about your present job? What do you dislike about it? What hours do you work? Do you travel with your job?
- **PERSONAL RELATIONSHIPS** (answer as applicable): What attracted you to your spouse/partner? What problems have you and your spouse/partner had to overcome? What do you and your spouse/partner disagree about most often? How do you make decisions? How are anger and affection expressed in your household? List any past marriages, giving the reasons for the break-up. What contact do you have with previous spouse(s)? If there was a previous marriage(s), describe the circumstances under which it ended and how you coped with your feelings.
- **CHILDREN:** Describe the personality of each child living with you. Describe any children who do not live with you, including children from previous relationships. If you have no children, what have your experiences with children been? If you have parenting experience, what have you enjoyed most and disliked most about parenting? What kinds of discipline do you find to be the most effective? How do your children get along with each other? What do you expect from your children?
- **OVERALL:** What challenges have you faced and how have you coped with them? Describe your pets. Please give the kind of pet, name, and age of the pet. What do you do for fun? Describe the activities that you attend away from home during a typical week. Describe your neighborhood and your relationship with your neighbors. What schools are children in your neighborhood zoned to attend?

**RESOURCE PARENT:** What influenced you to apply to become a resource parent at this time? Have you previously been a foster, adoptive, or kinship parent?

## **RESOURCE PARENT HOME STUDY OUTLINE**

### **I. IDENTIFYING INFORMATION**

- A. Names (of resource parents)
- B. Address
- C. Phone numbers
- D. Dates of birth and social security numbers of resource parents.
- E. Names and dates of birth children

### **II. SUMMARY OF CONTACTS**

- A. List dates of intake meetings, PATH sessions, all consultations, telephone calls, reference contacts by letter or phone. There should be a minimum of one home visit and

### **III. MOTIVATION/PREPARATION**

- A. Describe how family became interested in fostering, adopting or kinship care.
- B. Describe when and where family attended PATH giving dates and subjects of each session, including completion of written assignments, and co-leaders evaluation of family's participation in PATH sessions. (There should be at least four planned interviews with resource parents, three if applicant is single. These interviews should include at least one home visit and an individual interview with each applicant.)

### **IV. DESCRIPTION OF HOME/FAMILY**

- A. This information comes from home visits, autobiographies, InReviews. Describe home, yard, pets and neighborhood. Briefly describe each family member giving personality, physical appearance (coloring, height, etc.), ethnicity, etc. (More detail on family members will be covered in next section.)

### **V. BACKGROUND RELATIONSHIPS**

- A. This information comes from autobiographies, consultations, InReviews. Describe the life of each applicant up to adulthood. Do not repeat autobiography. Include early life, socioeconomic level, urban or rural, families' relationships with friends and extended family, traumatic times, school experience, how this person was parented (how did parents get along, how decisions were made, discipline used by each parent, etc.)



## **VI. FAMILY RELATIONSHIPS**

- A. This information comes from autobiographies, references, InReviews, ecomap, consultations.
  - 1. If applicable, discuss former marriages, divorces, custody decisions
  - 2. If two-parent family, describe what attracted applicants to each other and their style of functioning, including decision-making and handling anger.
  - 3. If one-parent family, describe style of functioning including decision-making, handling anger, support system.
  - 4. Describe each child, including physical description, personality, relationships with peers and other family members, interests, school functioning and feelings about the parents being resource parents.

## **VII. EMPLOYMENT**

- A. Discuss applicant(s)' employment history, feelings about current job, job stability, and employment expectations.

## **VIII. VERIFICATIONS**

- A. Health - Comment on health status of each family. Include doctor reports (Medical Report form) for applicants. If there are health problems, describe impact on parenting potential. For children, use Child's Medical Report form or doctor's statement.
- B. Family insurance - Comment on family's health insurance. If family has life insurance, note amount of coverage. For adoptive families include verification as to when their health insurance will cover an adoptive child.
- C. Financial status - Comment on income and expenses (using Monthly Family Income and Expenditures form) as to whether income is sufficient to meet the family's needs. For adoptive placements, give consideration to their ability to support adopted child. Verify income with check stubs or letter from each parents' employer. (WA: #IV-E Sample Request Letter.)
- D. Birth - List each family member, date of birth, and verification of birth (copy of birth certificate or document which requires proof of birth)
- E. Citizenship (this verification most often comes from the birth certificate)
- F. Current marriage, if applicable (copy of marriage license)

- G. Divorce(s), if applicable. Include custody orders regarding children under age 18.
- H. Death of spouse or child - list each death and verify spouse's death
- I. Adoption of child (verify with copy of Order of Adoption)
- J. Record checks (CR: Establishing the Adoptive Home Record)
  - 1. Criminal records, note what records were checked, when, results
  - 2. Fingerprinting - note when and where applicant(s) was fingerprinted and results. If applicant(s) has a TBI or FBI record, describe circumstances, when offense occurred, how parenting ability will be affected. Include regional administrator's approval on those with minor criminal records. Include central office approval for those with major criminal offenses.
  - 3. Note check of DCS records and results.
  - 4. TBI internet check
- K. Safety
- L. Location of telephone(s) - telephone is requirement for foster/adoptive parents
- M. Location of smoke detector(s) - requirement is at least one in child's bedroom or in hall outside child's bedroom
- N. Location of fire extinguisher(s) - requirement is to have at least one, location not specified
- O. Safety concerns - Discuss any safety concerns such as swimming pool, storage of medication, large dogs or other animals, etc. If family has weapons (guns, hunting knives, etc.) describe where they are kept. They must be locked up, with ammunition kept locked in a separate place.

## IX. REFERENCES

- A. Give brief statements about written references; write out verbal references. References from family members should address how the extended family will accept a foster or adopted child. (References are not confidential since families have access to their home studies.) WA: Sample Reference Letters and Sample Reference Questionnaire)
  - 1. Obtain a reference from the extended family of each applicant.

2. Obtain 3 other references (from friends, neighbors, or others who have been in applicants' home and have seen the family interact with children).

**X. PARENTING POTENTIAL**

- A. Applicants' understanding of what being an adoptive or foster parent means.
- B. Keep in mind PATH training components while discussing family's understanding of issues such as: permanency planning, separation, attachment, importance of ongoing contact with significant past attachments, handling mixed loyalties, feelings toward birth parents, special discipline needs of children in care, and how to plan for crises.
  1. Indicate family's understanding of agency policy and procedures
  2. Indicate family's understanding of board payment process
  3. Indicate family's understanding of foster care process and/or adoption process including availability of adoption assistance
- C. Parenting strengths
  1. Describe family's experience with children; strengths and limits as parents
  2. Describe discipline methods family has used and their plans for disciplining without using corporal punishment
  3. Be specific about the ages and needs of the children they want to parent, and how family will handle the special needs they will accept
- D. Transracial/Transcultural Questionnaire (WA: Assessment Criteria for Transracial/Transcultural Parenting). Discuss:
  1. For all resource parents wanting to parent across racial/cultural lines, family's reasons for wanting to parent transracially/transculturally.
  2. How family will help child(ren) accept and be accepted by extended family, other children in home, friends, neighbors, community.
  3. How family will help child learn and value his/her racial, ethnic and cultural identity.
  4. Family's understanding of permanent change of racial/cultural make-up of family.
- E. Family assessment - Discuss:

1. Importance of religion to family.
2. State religious denomination, as applicable, and how active the family is in their church. Note whether family could parent child whose beliefs are different from their own.
3. Commitment to special needs placement (if applicable).
4. Ability to turn down a child not right for them.
5. Adjustments family expects to make to meet special needs of the child (if applicable).
6. Impact family expects child(ren) from the child welfare system will have on birth child(ren).
7. Supportive services family intends to use (counseling, before/after school care, child care, etc.).
8. If adoption or kinship care, describe and verify contingency plan for adoptive or kinship parents in case of disability or death of parent(s).

## **XI. SUMMARY AND RECOMMENDATIONS**

- A. Brief summary giving a feel for family as individuals and as a unit, and the strengths they bring to parenting children from the child welfare system. If adoptive applicants only, indicate if applicants are interested in legal risk parenting.
- B. Describe the type of child(ren) family is recommended to parent by age range, race, sex, and special needs. Using Matching Tool, include emotional, behavioral, physical, education needs, legal risk, number of siblings, lack of any background information, etc.

**XII. SIGNATURE PAGE FOR RESOURCE PARENT HOME STUDY OF**

\_\_\_\_\_  
Signature of Case Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Team Leader

\_\_\_\_\_  
Date

The home is not approved and placements will not be made until the home study is signed by the Team Leader.

**Work Aid: INDIVIDUAL INTERVIEW**

Name:

Birth:            Date:  
                         Place:

Information concerning location(s) where prospective parent lived (grew up):

Adoptive Applicants:

Name:  
Age:  
Health:  
Employment:

Frequency and type of contact with each:

Your Siblings:

Name:  
  
Age:  
  
Residence:  
  
Marital Status:  
  
Children:  
  
Education:  
  
Employment:

Frequency and type of contact with each:

(Obtain information about the adoptive applicant's childhood (looking for information that will give insight to child rearing practice and make the person come alive in the narrative):

Describe adoptive applicant's relationship with:

Parents:

Siblings:

Describe discipline used by adoptive applicant's parents:

Were parents too strict or lenient? How do you or how would you handle children differently?

How did parents and family members show their love and affection for one another (be specific)?

### Courtship and Marriage

How did you meet your spouse:

Age:

What attracted you to your spouse?

Length of courtship?

Date of marriage:

Location of wedding:

Verification:

Describe spouse:

Marital problems?

How are they resolved?

How are decisions concerning the family made?

What makes a good marriage?

Divorce:

Whom:

When:

Where:

Reason:

Verification:

Religion:

Beliefs:

Church Affiliation:

Accepting of others beliefs?



Are the adoptive applicants willing to meet the religious needs of a child if different from their own? How will they accomplish this?

Education:

Brief educational history:

Extra-curricular activities:

Strengths in school:

Weaknesses in school:

Relationships with peers while in school:

Feelings surrounding the importance of education:

Employment:

History:

Present employment:

Title:

Job duties:

Salary:

Future career plans:

Personal experience with children:

Children currently in the home:

Name:

Date of birth:

Place of birth:

Verification:

School:

Grade:

Describe your child's personality:

Child's ability to relate with peers:

Discipline method used:

Effectiveness?

Your Personal Hobbies:

Your Family Activities:

View of role as an Adoptive Parent:

Verification:

DCS check:

Police check:

Fingerprinting:

TBI Internet Check:

Medical forms:

Birth:

Marriage:

Divorce:

Death:

Income:

Safety:

Smoke detectors:

Fire Extinguisher:

Safety Concerns:

References:

Specific situations that parents may face:

How would you handle the following situations?

- if your child began to masturbate while watching TV with the rest of the family?
- if you noticed that \$20.00 was missing from your purse and you knew your child had access to your purse earlier that day?
- if you found a note that your child wrote that indicated he/she was planning to do something illegal, immoral, or dishonest, and was soliciting the help of another child not in your home?
- if your child wet the bed every night?
- if your child hid a knife in his/her drawer?
- if your child threatened to run away?
- if your child wouldn't eat anything but junk food?
- if your child brought home a grade card with all F's when you thought he/she was doing okay in school?
- if your child was hyperactive and unable to learn to read or do math?

- if your child was constantly bringing home notes from the teacher that stated he/she was misbehaving at school?
- if your child hoarded food in his/her room?
- if your child had screaming fits, temper tantrums and bit himself until she/he bled or pulled out their own hair?
- if your child refused to follow simple requests?

## **Work Aid: FAMILY INTERVIEWS IN THE PREPARATION PROCESS**

The purpose of the process is to continue the family's self evaluation, to identify strengths and define limits of the prospective parent(s) as individuals and as a couple, explore their support system and resources. In the interviews we have the opportunity to explore the individuals background, marital/family relationships in more detail and review any concerns gathered from their written responses. Interviewing the family will also provide further assessment of the family's understanding of adoption issues including loss and grief, attachment and trust, shared parenting, the impact of children(ren)'s previous experiences on development, and mixed loyalties. The interviews also provide opportunity to speak further to families about identifying potential children, their methods of discipline and their styles of coping. Although the possibility of disruption is addressed the focus is on the healing power of a family.

### **I. Interview**

- Review Contents/Requirements of the homestudy:
  - Complete forms: 1. Release of Information 2. Grievance Statement

### **II. Interview**

- If married, review marital relationship, and background. If single, review dating history, prior relationships.
- If fertility is an issue, seek out information about the family's experience, extent of medical treatment, grief. Remind the couple that the placement of a child may recycle this grief. Discuss any miscarriages, and how was this dealt with.
- If comfortable, begin genogram: when reviewing marriages or long term relationships inquire how decisions are made, conflicts resolved.
- Explore adjustment period after any major development life stage such as marriage, emancipation, birth or a child, loss of a job, etc.
- When inquiring about marriage learn how the couple met, what attracted them, hardships they have endured as a couple? How do they cope? Have they participated in formal counseling?

### **III. Interview**

- Construct Genogram as individual or couple. Be aware of parental issues such as child abuse, victimization, substance abuse or other addictions, former marriages, domestic violence, mental illness, or estrangements from family members.

- Note: Please include other non-biological children have been accepted into the family, (through divorce, remarriage, foster parenting, adoption or informally)
- Complete genogram.

#### IV. Staffing

- Schedule a staffing with all or part of the adoption team. Review background, type of child desired, strengths and concerns and obtain feedback about what further information is needed for adoptive homestudy.
- Provide feedback from staffing, identify strengths/limits.
- Review homestudy requirements - type child desired - anything lacking.
- Complete REACT Family Entry Form - do not register until approved.

#### **IV. APPLICATION DISPOSITION**

**What:** Disposition of Adoptive Home Application

**When:** After Home Study Process and orientation has been completed or at any time the applicants request closure.

**Who:** Adoption Services Case Manager or Designated Staff

**Steps:**

**1. Approval**

Adoptive parent applicants must meet the criteria outlined in Requirements of Adoptive Parents and complete parent orientation.

Adoption Services Case Manager must complete all phases of the home study and submit for approval within 60 days of completion of PATH. (WA: Home Study Checklist)

Within ten days of approval of home study, the case manager will send a letter of approval to the adoptive parents and create a duplicate record.

**2. Withdrawal**

Family may withdraw their application to adopt at any time.

Confirm the adoptive parents' request in writing within ten days of the request.

**3. Denial**

DCS may deny an application when any of the following conditions exist:

- Any unresolved concerns from the mutual selection family assessment;
- Insufficient income to meet financial obligations or no viable contingency plan;
- Unstable lifestyle that would not encourage the child's emotional/moral development, demonstrated by:

- \* Unstable marital relationships;

- \* Frequent unemployment and/or job changes;
  - \* History of criminal activities or failure to tell about a criminal record;
  - \* History of unresolved drug/alcohol abuse;
  - \* Results of fingerprinting showing family does not meet criteria.
- 
- Inability to meet special needs of children regarding sibling relationships, racial heritage, and continuing developmental needs;
  - Inadequate parenting of own children;
  - Diagnosed severe emotional disturbance which impacts the ability to parent;
  - Two references are negative and express similar significant concerns that deal with safety issues and/or would impact the family's ability to parent the child;
  - Unsafe housing/housekeeping and/or inadequate space and/or failure to make corrections recommended by the Department of Health;
  - Poor health conditions that prevent the family from caring for a child appropriately;
  - Inability to tell the child he/she is adopted and to accept the child's past;
  - Stated philosophies/methods of parenting that contradict sound methods of childrearing;
  - Failure to supply DCS any requested information;



- Clearly document in the adoptive home record the reasons DCS is denying an application. Give specific examples;
- Schedule a conference with the adoptive family and Case Manager IV to discuss basis for denial. During the conference:
  - \* Recognize the family's strengths in as positive manner as possible;
  - \* Review the information affecting the decision and focus on the demands the child places on a family;
  - \* Tell the family of their right to a supervisory review.

NOTE: Should the family elect not to attend a conference, send a letter confirming that they declined the opportunity to attend the conference, specifying the reasons for denying the application. (WA: Sample Denial Letter 1)

- Within five days of the conference, send a letter to the family that:
  - \* Details the reasons for denial; (WA: Sample Denial Letter 2)
  - \* Informs the family of their right to a supervisory review;
  - \* Asks that a written request for the review be submitted within fifteen days of the conference.

## **Work Aid: STAFF HOME STUDY AND VERIFICATIONS CHECKLIST**

To be referred to in home study narrative:

- ☐ Autobiography
- ☐ Previous foster/adoptive home study
- ☐ References

To be filed in record:

- ☐ Application for Resource Parenting
- ☐ Pictures of family
- ☐ Resource Parent/Applicant Medical Report(s)
- ☐ Child's Medical Record(s)
- ☐ Monthly Family Income and Expenditures
- ☐ Authorization for Release of Information
- ☐ Substitute W-9 Form
- ☐ Ecomap
- ☐ Insurance statement (adoption only)
- ☐ REACT Family Registration (adoption only)

Safety:

- ☐ Release for Background Check
- ☐ Police check
- ☐ Fingerprint results
- ☐ DCS record check
- ☐ TBI Internet check
- ☐ Smoke detector(s)
- ☐ Fire extinguisher(s)
- ☐ Telephone
- ☐ Firearms
- ☐ Pets
- ☐ Other safety hazards

Verifications:

- ☐ Birth
- ☐ Marriage
- ☐ Divorce
- ☐ Adoption
- ☐ Death
- ☐ Auto insurance

## **Work Aid: RESOURCE PARENT FORMS CHECKLIST**

- \_\_\_\_\_ Application for Resource Parenting (one per family)
- \_\_\_\_\_ Substitute W-9 Form
- \_\_\_\_\_ Release for Background Check
- \_\_\_\_\_ Authorization for Release of Information (one per parent)
- \_\_\_\_\_ Autobiography (one per parent)
- \_\_\_\_\_ Resource Parent/Applicant Medical Report (one per parent)
- \_\_\_\_\_ Child's Medical Record (one per child)
- \_\_\_\_\_ Monthly Family Income and Expenditures (one per family)
- \_\_\_\_\_ Policy on Use of Physical Punishment (signed by each parent)
- \_\_\_\_\_ Auto insurance verification
- \_\_\_\_\_ Medical insurance coverage (adoptive family only)
- \_\_\_\_\_ Birth verifications (one per family member)
- \_\_\_\_\_ Marriage verification (for present marriage)
- \_\_\_\_\_ Adoption verification
- \_\_\_\_\_ Divorce verification
- \_\_\_\_\_ Death verification
- \_\_\_\_\_ Picture of family
- \_\_\_\_\_ Ecomap (one per family – this will be distributed at Session 5)
- \_\_\_\_\_ Agency Policy Confidentiality Policy



**STATE OF TENNESSEE  
DEPARTMENT OF CHILDREN'S SERVICES  
Work Aid: SAMPLE DENIAL LETTER 1**

Dear Mr. & Mrs. (Applicants)

We are writing to confirm our conversation on \_\_\_\_\_, at which time you declined the opportunity to attend the conference, in which we shared our concerns regarding (clearly state details for the denial).

As there has been no successful resolution for these concerns, we are unable to approve your application to adopt.

While the denial of your application is not subject to appeal, you may request a supervisory review. If you want a supervisory review, you must submit your request in writing by (month & day within 15 days of conference).

We thank you for your interest in our adoption program, and regret your circumstances do not permit our continuation of your home study.

If you have questions, please telephone me at \_\_\_\_\_.

Sincerely,

Case Manager  
Adoption Services

Note: Copy of this letter should be filed in Adoptive Home Record.

**STATE OF TENNESSEE**  
**DEPARTMENT OF CHILDREN'S SERVICES**  
**Work Aid: SAMPLE DENIAL LETTER 2**

Dear Mr. & Mrs. (Applicants)

We are writing to confirm our conversation on \_\_\_\_\_, at which time we shared our concerns regarding (clearly state details for the denial).

As there has been no successful resolution for these concerns, we are unable to approve your application to adopt.

While the denial of your application is not subject to appeal, you may request a supervisory review. If you want a supervisory review, you must submit your request in writing by (month & day within 15 days of conference).

We thank you for your interest in our adoption program, and regret your circumstances do not permit our continuation of your home study.

If you have questions, please telephone me at \_\_\_\_\_.

Sincerely,

Case Manager  
Adoption Services

Note: Copy of this letter should be filed in Adoptive Home Record.

## **V. SUPERVISING/RETAINING APPROVED ADOPTIVE HOME RECORD**

**What:** Supervise and retain an adoptive family.

**When:** Prior to placement of child in the home.

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

#### **1. Contact**

Make two contacts a year, one of which must be in the home. If it is a two-parent home, see both parents. Discuss or obtain the following information: (WA: Adoptive Home Update)

- Current information about the family;
- Annually updated financial statement;
- Current medical report, (within five years or when health status changes);
- Description of child the family wants to adopt, (age, sex, race, education, and physical abilities, presenting challenges, etc.);
- Discuss children currently awaiting adoptive placement;
- DCS records check and police check, (yearly);
- Encourage adoptive families to call or visit as often as needed and inform them that they are required to report any changes, i.e., marriages, divorce, death, etc.

Document the contact/evaluation and include a copy in the duplicate/ circulating record.

#### **2. Forms**

Update REACT Family Status forms if any changes. (CR: 15.06 Registering And Maintaining Status of Adoptive Parent(s) With REACT)

**NOTE:** It is critical that REACT Family Status documents be updated for the adoptive family immediately following any change as the information on this form controls referrals for their consideration as placement resources for children.

### **3. Retention**

Retain an approved adoptive home record in active status provided the family meets eligibility requirements.

## Work Aid: ADOPTIVE HOME UPDATE

Date of Home Consultation: \_\_\_\_\_

Case Manager: \_\_\_\_\_

1. Home Visit \_\_\_\_\_ Office Visit \_\_\_\_\_ Family Members Present: \_\_\_\_\_  
\_\_\_\_\_

### 2. HAVE THERE BEEN ANY CHANGES IN CIRCUMSTANCES?

**\*\*Documentation May Be Required to Verify Changes\*\***

Residence: No ☐ Yes ☐ if yes explain: \_\_\_\_\_

Legal Issues: No ☐ Yes ☐ if yes explain: \_\_\_\_\_

Income: No ☐ Yes ☐ if yes explain: \_\_\_\_\_

Family Composition: No ☐ Yes ☐ if yes explain: \_\_\_\_\_

Health: No ☐ Yes ☐ if yes explain, and give date of last medical: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ (if over 5 years a new medical is required)

### 3. DOES FAMILY HAVE THE FOLLOWING?

Fire Extinguisher No ☐ Yes ☐  
DCS Check No ☐ Yes ☐  
Police Check No ☐ Yes ☐

Smoke Alarm No ☐ Yes ☐  
Safety Hazards in the Home No ☐ Yes ☐

### 4. TYPE OF CHILD(REN) DESIRED:

Age(s) \_\_\_\_\_ Sex \_\_\_\_\_ Number \_\_\_\_\_ Race \_\_\_\_\_

Handicaps \_\_\_\_\_

Background \_\_\_\_\_

### 5. FAMILY COMMENTS:



**6. CASE MANAGER COMMENTS:**

**7. RECOMMENDATIONS:**

CASE MANAGER \_\_\_\_\_

DATE:\_\_\_\_\_

TEAM LEADER \_\_\_\_\_

DATE:\_\_\_\_\_

**VI. CLOSING AN ADOPTIVE HOME**

**What:** Close an Adoptive Home

**When:** Changes in the adoptive family circumstances warrants closure of the adoptive family.

**Who:** Adoption Services Case Manager or Designated Staff

**Steps:**

**1. Closure of Adoptive Home**

Close an adoptive home when any of the following circumstances exist:

- An adoption is finalized;
- The family is moving out of state/country;

Advise the family to check with their new state of residency regarding adoption services. If requested by the agency, and the adoptive family signs a release of information from that agency, share a copy of the adoptive home study with the other state agency. If the move is temporary and the family will be returning to Tennessee, put the home on hold until that family returns.

- Loss of contact;

Ensure and document reasonable efforts to locate the family.

- Other circumstances;

Close the adoptive home if the family ceases to meet the Requirements for Adoptive Parents criteria.

- At the family's request.

**2. Confirmation**

After determining the basis for closure with

the Team Leader, discuss the closure with the adoptive family and, if available, confirm the discussion in writing. When the closure is in the category of “other circumstances”, tell the family they have the right to a supervisory review. (CR: Conducting Supervisory Review)

### **3. Maintenance of Record**

The original adoptive home record is sealed with the child’s record after finalization. A copy of the home study through approval is maintained in area office closed files. The area office may elect to purge files after three years.

### **4. Form**

Complete and submit the REACT Family Status Form (CR: 15.06 Registering and Maintaining Status of Adoptive Parent(s) With REACT)

## **VII. CONDUCTING SUPERVISORY REVIEW**

**What:** Conduct a supervisory review on behalf of a denied applicant or closure of adoptive home.

**When:** Within 20 calendar days of a request.

**Who:** Adoption Services Case Manager responsible for adoptive home, Team Leader, Regional Administrator/Designee

### **Steps:**

- 1. Request**

Receive a written request from the applicant.

File copy of request in original adoptive home record.

Inform the Team Leader, Team Coordinator and the Regional Administrator/Designee of the request.
- 2. Schedule**

Schedule the review within 20 calendar days of the request.

Conduct the review in the area office where the family lives. Request a private office.
- 3. Participants**

Ask the Regional Administrator/Designee to conduct the review.

Notify the adoptive/prospective adoptive family that they may ask up to three other people to act on their behalf at the review. One of these persons may be an attorney. Since the review is not a legal proceeding, the attorney is an observer only. The Case Manager and other supervisory staff will attend.

The Regional Administrator/Designee makes the final decision regarding the disposition of the home after reviewing DCS information, and allowing the family to discuss their concerns.
- 4. Letter**

Within ten days of the review, the Regional

Administrator/Designee sends a letter to the family advising them of the outcome of the review.

File a copy of this letter in the original adoptive home record.

## **5. Status Update**

If the review reverses the decision, update REACT Family Status Form (CR: 15.06 Registering and Maintaining Status of Adoptive Parent(s) With REACT).

## **VIII. TRANSITIONING FOSTER HOME STUDY TO ADOPTIVE HOME STUDY**

**What:** Accept application from foster parents who desire to adopt a child.

**When:** The foster parents desire to adopt a child in DCS guardianship and for whom adoption is the goal.

**Who:** Adoption Services Case Manager or Designated Staff

**NOTE:** Some foster parents may have been approved as DCS foster parents prior to the use of the PATH orientation model. In those situations, requirements for the current preparation model may be waived by the Team Leader when the foster parents wish to adopt a child they are fostering who is legally free and whose goal is adoption.

### **Steps:**

#### **1. Establish the Record**

Obtain copy of foster home study through approval.

#### **2. Forms**

The following forms are needed according to listed time frames:

- Application for Parenting, (always required);
- Release of Information, (always required);
- Financial Information for Foster Parent, (required if older than one year);
- Medical report on adoptive applicant(s) and legal children, (required if over five years old or health status changes);
- Transracial/Transcultural Questionnaire, (if applicable);
- Complete WA: Adoption Decision Making for Foster Families, if applicable.

#### **3. Verification Documentation**

The following verification/documentation will be needed:

- DCS records check, (always required);
- Criminal records check, (always required);

- Fingerprinting, if not previously completed;
- TBI Internet check;
- Two references (always required) that have knowledge of interaction between parent(s) and the child(ren) they have fostered or the interaction and relationship of the foster parent and the child they wish to adopt. When possible, at least one of these references should be a relative;
- A minimum of one home consultation is required for foster parent(s) that apply to adopt children;
- Verify contingency plan (CR: Adoptive Home Study);
- Write a narrative that indicates changes since foster home approval that includes but is not limited to:
  - Family Relationships and Assessment.
  - Changes in the family situation.
  - Transracial/Transcultural issues if applicable. (CR: Policy 15.01 Adoptive Placement Considerations).

**4. Application Disposition**                      Submit for approval within 60 days of receipt  
of application. (CR: Application Disposition)

**NOTE:** If the foster child of the applicant is the child to be adopted, they need to be involved in this decision and understand the transition from foster care to adoptive status. (CR: Services to the Child).

## **Work Aid: ADOPTION DECISION MAKING FOR FOSTER FAMILIES**

**Child:** (Brief description)

- Have the foster parents list three things they enjoy about the child.
- Have the foster parents list three things that are challenging for them.

**Issues:**

- Impact of child's emotional connection to birth parents - connections to siblings or other birth relatives.
- The extended family's reactions to adoption plan.
- Foster family support system.
- Interaction and acceptance with this child by all family members.
- Financial considerations.
- Feelings of the foster family as they consider the decision making process.
- What does the foster family need from the case manager as they look at decision making?



## **IX. ACCEPTING REAPPLICATIONS TO ADOPT**

**What:** Accept applications from parents who have previously adopted children through the Department of Children's Services.

**When:** Upon request, when meeting Requirements for Adoptive Home Application.

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

#### **1. Establish the Record**

Obtain a copy of closed duplicate adoptive home study for updating. (If no previous record follow procedure for new applications.)

#### **2. Forms**

The following forms need to be updated according to listed time frames:

- Application for Parenting, (always required);
- Release of Information, (always required);
- Financial Information for Foster Parent(s), (always required);
- Medical report on Adoptive Applicant(s) and children, (required if over 5 years old or health status changes);
- Autobiography;
- REACT Family Entry Form; (CR: 15.06 Registering and Maintaining Status of Adoptive Parent(s) With REACT);
- Transracial/Transcultural Questionnaire, (if applicable). (CR: Policy 15.01 Adoptive Placement Considerations)

#### **3. Verification/Documentation**

The following verifications/documentations will be needed:

- Birth certificates and adoption decrees not previously included in record;
- Fingerprinting, if not previously completed. If the applicant is applying within one year of a DCS placed/supervised adoptive placement and they continue to reside in the same locale, only a criminal record check will be required. If the application is made one year or more since DCS involvement, new fingerprints are required.
- Criminal record check, (always required);
- TBI Internet check;
- DCS records check, (always required);
- Two references (always required) that have knowledge of interaction between parent(s) and the child(ren) they have adopted or the interaction and relationship of the parent and the child they wish to adopt. When possible, at least one of these references should be a relative.
- Verify contingency plan (always required).
- A minimum of one home consultation is required for parent(s) that reapply to adopt children, (always required).
- Write a narrative that indicates changes since last approval that includes but is not limited to:
  - Family Relationships and Assessment.
  - Transracial/Transcultural issues if applicable, (CR: Policy 15.01 Adoptive Placement Considerations)

#### **4. Application Disposition**

Submit for approval to the Team Leader within 60 days of receipt of application.

## **X. GIVING FOSTER PARENT(S) FIRST PREFERENCE TO ADOPT**

**What:** Give the foster parent(s) first preference to adopt the child in their home.

**When:** When the child is legally free and adoption is the goal and the child has been in the foster home twelve or more consecutive months.

**NOTE:** Foster parent adoptions are often best for a child because of the existing emotional relationship and the decrease in the number of placements for the child. Therefore, the longer the child remains in the foster home, the greater priority DCS gives to maintaining the relationship. Also, the child's best interests must be considered in determining sibling(s) placement.

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

#### **1. Consider**

Best interest of the child.  
(CR: Policy 15.02 Adoption Selection Committee and Policy 15.01 Placement Considerations)

The child has been in the foster home twelve months or longer.

A child in DCS custody is in a relative placement, the goal becomes adoption and the child becomes legally free for adoptive placement.

When the original placement was made as a legal risk placement with the understanding that when the child was legally free the foster parent would have first preference.

#### **2. Interview**

Interview both foster parents to determine their interest in adoption.

Discuss the possibility of Adoption Assistance when applicable.

### **3. Document**

Document the discussion, including the following:

- Date;
- Person(s) interviewed;
- Foster parent's response;
- Adoption Assistance discussion if appropriate;
- Reasons for approval;
- Reasons for denial, (based on policy of placing siblings together, foster parent's inability to meet the child's continuing developmental needs and meeting the best interest of the child or foster parent's decision not to adopt). (CR: Services to the Child)

### **4. Decision Making**

(WA: Adoption Decision Making for Foster Parent)

### **5. Establishing the Record**

(CR: Transitioning Foster Home Study to Adoptive Home Study)

## **XI. CONDUCTING INDIVIDUAL HOME STUDY**

**What:** Conduct an individual study process.

**When:** An applicant wishes to adopt and the group process is not available or the department wishes to expedite the study process.

**Who:** Adoption Services Case Manager, Designated Staff with approval from the Team Leader.

### **Steps:**

- 1. Requirements** Applicant must meet minimum requirements (CR: Requirements for Adoptive Parents)
- 2. Study Process** The content of PATH will need to be addressed with the applicant to complete an individual home study (CR: PATH curriculum).
- 3. Establishing the Record** (CR: Establishing the Adoptive Home Record)
- 4. Application Disposition** Submit for approval within 60 days of completion of PATH. (CR: Application Disposition and Policy 15.06 Registering and Maintaining Status of Adoptive Parent(s) With REACT)

## **XII. INTERSTATE/INTERCOUNTRY REQUESTS**

**What:** Respond to or initiate Interstate/Intercountry requests for services.

**When:** Placement across state lines or from one country to another is being considered for children in the guardianship of public agencies.

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

#### **1. Children Coming Into The State:**

All DCS home study requirements must be met (Preparation process, fingerprinting, DCS checks, etc.).

If adoption petition has not been filed in the sending state, approval for placement must be made by the Interstate/Intercountry Compact Placement of Children Administrator.

Progress reports are to be made to the sending state as requested.

The sending state must give consent to the adoption in writing, prior to finalization of the adoption.

If the petition has been filed in the sending state, request requirements of the sending state and complete the adoption according to the requirements of the sending state.

#### **2. Children Being Placed Out of State**

The out of state family must have an approved adoptive home study conducted by the state agency or a licensed agency recognized by the state in which the adoptive parent resides. Home study requirements of DCS must be met.

When the out of state family indicates interest in being considered as the adoptive placement resource for a child in DCS guardianship who has a goal of adoption, the family is responsible for having their study submitted to the Adoption Case Manager serving the child.

Placement considerations with the family is to be made in accordance with Placement Consideration, Placement Selection policy.

If the out of state family is selected for the child a request for placement must be initiated with the out of state agency serving the family in accordance with the Interstate/Intercountry Compact Placement of Children.

Presentation of information about the child, all pre-placement activities, placement and post placement services must be made with the approval of and in accordance with the Interstate/Intercountry Compact Placement of Children Administrators of both Tennessee and the state of the family's residence.  
(CR: Services to the Child; Placement Services and Adoption Assistance)

Progress reports are to be requested from the receiving state through finalization of the adoption.

Tennessee Adoption Team Leader responsible for the placement of the child must provide written consent to the adoption prior to the finalization of the adoption.

Upon receipt of the Order of Adoption issued by the court, the case record will be prepared and submitted for permanent filing with Central Office Adoption Services.

(CR: Interstate/Intercountry Services Policy)

### **XIII. HANDLING SPECIAL REQUESTS**

**What:** Handle special situations related to adoption in the areas of:

- Persons wanting to adopt a foreign born child.
- Persons wanting to adopt a child who is in the guardianship of an out-of-state public or private state agency.
- Applicants who are DCS staff members or relatives/friends of DCS staff.

**When:** During intake and referral

**Who:** Adoption Services Case Manager or Designated Staff

**Steps:**

**1. Foreign Born Child**

Refer persons wanting to adopt a foreign born child to agencies that place foreign born children.

Upon acceptance of applications for foreign born children by an agency or when the family wants to adopt a foreign born child independently, advise the family to secure a home study completed by a Tennessee licensed child placing agency.

**2. Non-DCS Guardianship**

Refer persons who want to adopt a child who is in the guardianship of a private out-of-state agency to a Tennessee licensed private child-placing agency for a home study.

Provide services when persons want to adopt a child who is in the guardianship of a public agency.

**3. Applicant Conflicts**

Provide services to applicants who are DCS staff members, related to DCS staff, or are close friends of DCS staff outside the county of residence only with the Regional Administrator/Designee's approval.



## **ADOPTIVE PLACEMENT SERVICES**

### **Introduction**

Adoptive placement services focus on the following:

- selecting the family who can meet the best interest of the child;
- preparing the child and family for the child's move into the adoptive home;
- helping the parents and child integrate into a family.

### **Legal Base**

TCA 36-1-101 through TCA 36-1-141

### **Procedures**

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X. Removing Child from the Adoptive Home (Disruptions/Dissolutions)	23
Work Aid: Talking With Children About Disruptions	

### **Forms**

CS-0429 Adoptive Placement Agreement  
Free Home Agreement Between DCS and Prospective Adoptive Parents  
CS-0366 Child Placement Contract to Provide Temporary Foster Care

## **I. PLANNING /COORDINATING PREPLACEMENT CONFERENCE**

**What:** Plan preplacement conference for selected adoptive family and child.

**When:** Prior to placement

**Who:** Adoption Services Case Manager or Designated Staff

**Reference:** (CR: Preparing the Preplacement Summary Outline.)

**NOTE:** This procedure does not apply if the foster family is selected as the adoptive placement resource. (CR: Selecting the Foster Home as the Appropriate Home.)

### **Steps:**

#### **1. Appropriate Family**

Within 15 working days of receipt of the referred adoptive home studies, meet with the Team Leader and the Selection Committee and select the appropriate family for the child. (CR: Policy 15.02 Adoptive Placement Selection Committee)

#### **2. Preplacement Conference**

Within five days of the family selection, send the preplacement summary, the presentation summary, and the child's pictures to the adoptive family's case manager. Request a review of the information on the child and the case manager's evaluation of the appropriateness of the placement.

For all children, a preplacement conference will be held before the family is contacted.

Arrange the preplacement conference (or telephone conference, if appropriate, for an infant). Ensure that the child's team leader, the adoptive family's case manager, and team leader can all attend. If possible, plan the conference in the child's county of residence or at a location midway between the child's and adoptive family's residences.

During the preplacement conference, consideration will be given to the following:

- review all preplacement information;
- review family information, support systems;
- clarify any concerns;
- explore the availability of adoption assistance;
- identify the plan for foster parent involvement;
- plan with the adoptive family's case manager the timing of the oral presentation, physical presentation, visitation, and placement.

All parties must agree to the placement before proceeding.

A plan for the oral presentation of the child to the family and tentative preplacement schedule is to be discussed during the preplacement conference.

When a direct placement or a legal risk placement is to occur, the receiving region must contact the adoptive family to arrange for the oral presentation and determine the family's intention for accepting the child. (CR: Services to the Child.)

### **3. Child**

Evaluate at all times the child's emotional readiness for each step in the placement process.

Obtain the following:

- Medical - obtain a current medical examination based on EPSDT guidelines. (CR: Assessment Manual for guidelines.) Obtain all psychological/psychiatric records.
- Adoption Assistance - evaluate the child's eligibility for adoption assistance or deferred adoption assistance.

(CR: Adoption Assistance Procedures).

- Education - obtain school records.

**NOTE:** Delete identifying information (birth family surname, addresses, places of employment, or any information that would lead to the birth family's identity) from all education and medical records.

## **II. CONDUCTING THE PREPLACEMENT CONFERENCE**

**What:** Conduct the preplacement conference

**When:** Prior to placement

**Who:** Adoption Services Case Manager/Team Leader, Adoptive Home Case Manager/Team Leader or Designated Staff and Foster Care Contract Provider, when appropriate

### **Steps:**

#### **1. Discussion**

Ensure that in the preplacement conference all individuals attending (adoption services case manager/team leader, the adoptive family's case manager/ team leader) discuss and share information concerning the following issues:

- Child's strengths;
- Child's understanding and readiness for adoption;
- Possible child behavior that tests the family's commitment;
- Adoptive parent's ability to cope with child's specific behaviors. Share how foster parent dealt with child's specific behaviors;
- Resources to meet the child's special needs;
- The purpose, frequency, and depth of post-placement support;
- Appropriateness of eligibility for adoption assistance or deferred adoption assistance and availability of SSA, SSI, VA, or other benefits (CR: Adoption Assistance Procedures);
- Medical/psychological/psychiatric/ educational consultations;

- Foster parent involvement in the adoptive placement process, including oral presentation, physical presentation, visitation and placement;
- Sibling relationships, significant others and plans for ongoing contact (CR: Services to the Child and Services to the Birth Parent);
- Tentative date for oral presentation;
- Type of placement (i.e.: legal risk, direct, free home).

### III. MAKING AN ORAL PRESENTATION

**What:** Make an oral presentation providing:

Non-identifying information about the child, child's background, birth relatives, and legal status;

The child's health history and any special needs;

The availability of adoption assistance or deferred adoption assistance to meet the child's special needs, as appropriate.

**When:** As Determined at the Preplacement Conference

**Who:** Adoption Services Case Manager or Designated Staff and, when appropriate, foster care contract provider. Consideration should be given to inviting the foster parent or child's therapist, if appropriate

#### **Steps:**

#### **Part 1: Presentation and Information Gathering**

Explain that presentation is a two part process. 1) Presentation on the first day; 2) family's decision and further discussion on the second day. Part 2 can be scheduled when the family is ready to make a decision. This usually occurs twenty-four hours to seven days prior to the physical presentation.

#### **1. Setting the Stage**

Make the adoptive family aware of the process regarding the presentation and that they can make the decision to proceed with the placement or decline to accept the child and that their decision will be discussed on the second day of the oral presentation.

#### **2. Birth Family**

Provide the adoptive family with non-identifying information about the child and his/her birth/legal family. Tell the adoptive family if the child knows of his/her birth/legal family, their names, whereabouts, and that the child may share that information. However, DCS does not identify the birth/legal family's surnames, address, or any identifying information.

A copy of the presentation summary is given to the adoptive family. (CR: Preparing the Presentation Summary)

**3. Ethnic Background**

Share all non-identifying ethnic background information (CR: Placing Native American Indian Children for Adoption). Share any feelings that a child may have about ethnicity and prior placements.

**4. Medical Information**

Share non-identifying copies of all medical, psychological, and genetic information as well as the child's immunization records.

**5. Child History**

It is vital that the child be presented in a positive, yet accurate and realistic way. If the child was abused or neglected share information and interpret how the child's past has affected or may affect his/her future development. Present information regarding the number of moves and types of placements this child has had.

**6. Educational Information**

Share copies of non-identifying educational information, such as report cards, IEP's, etc.

**7. Reason for Adoption**

Explain the reason for adoptive placement as a positive step in the child's best interest instead of as rejection by previous caregivers or birth parents.

**8. Consultations**

Arrange consultations with medical doctors, teachers, psychologists, and psychiatrists who are familiar with the child as needed to help the adoptive family understand the child's needs and determine their ability to parent the child. Attend the consultations. Remind the consultant to refer to the child by his/her first name and not to release surnames or the birth/legal family's identity.

**Part 2: Family Decision Making**

Explain to the family that when they return for the next meeting, they need to be prepared to:

- discuss any remaining questions;



- inform the agency of their decision whether to proceed with the placement, realizing they are making a lifetime commitment;
- identify three rewards and three challenges in parenting this child.

## **1. Assessment**

The case manager and the family need to discuss the consultations.

If the family has any concerns about appropriately parenting the child, delay the physical presentation.

Help the family see that saying “no” to a placement does not jeopardize the possibility of future placements. Be supportive of the family’s decision.

## **2. Documentation**

In the child’s and adoptive family’s case record document the child’s presentation to the adoptive family and their reaction.

If the adoptive parents decide not to proceed with placement, include those reasons in the child and the adoptive parent case records.

Make the documentation non-identifying.

Re-assess with the family the type child they are seeking.

Request return of shared documentation.

## **3. Preparing for Physical Presentation**

When the prospective adoptive parent(s) decide to proceed:

- when a child has resided in the foster home for 12 months or longer, a notice of removal of a child from foster family care and a waiver of right to appeal must be given to the foster parent;

- ask the adoptive family to provide photograph albums or videos of themselves, other family members, their home and pets;
- ask the adoptive family to write a letter to the child, introducing themselves;
- discuss and coordinate visitation between the child and adoptive family. Explain that the number and duration of visits may change based on the needs of the child; (CR: Services to the Child)
- ask the family to bring a small tangible gift for the child to be given at their first meeting with the child.

#### **4. Direct Placement**

If the adoption is to be a direct placement of a newborn from the hospital, present to the family all non-identifying background information.

When the child is born, receive information about the child (physical description, birthdate, sex, birth medical history, health status) from the child's Case Manager and update the preplacement and presentation summaries accordingly.

In presenting the child to the family, follow the steps above.

#### **IV. PREPARING FOSTER PARENTS FOR PHYSICAL PRESENTATION**

**What:** Prepare foster parent for child's presentation to the prospective adoptive family

**When:** After oral presentation and the prospective family has decided to make a commitment to adopt

**Who:** Adoption Services Case Manager or Designated Staff

**Steps:**

**1. Selection Committee**

Inform foster parents of the selection process and give non-identifying information about the adoptive family to the foster family.

**2. Foster Parent's Role**

Discuss with the foster parents their role in the adoption transition. The discussion with the foster family should focus on the following:

- Partnership: Include foster parents in child's preparation for presentation whenever possible;
- Permission: Discuss with the foster parents the importance of granting permission, both verbally and through the blessing letter, for the child to move; (CR: Preparing the Child for Adoptive Placement)
- Preparation: Assist the child in preparing for the move through discussion, video tapes, and picture albums about the adoptive family. As visitation progresses assist the child with packing of all the child's belongings;
- Visitation: When possible have first visit with the adoptive family in the foster home. Discuss the progression of visits based on child's individual needs;
- Feedback: Stress importance of foster parents' role in providing feedback to the case manager regarding the child's feelings and behaviors during placement process;

- Ceremony: Invite the foster parents' participation in planning and attending the adoption ceremony.

(CR: Preparation of Child for Presentation  
and CR: Preparing the Child for Adoptive  
Placement)

### **3. Support**

Case manager will provide ongoing services to the foster parent to assist with grief/loss issues.

## **V. CONDUCTING PHYSICAL PRESENTATION**

**What:** Conduct the physical presentation of the child with the adoptive parents

**When:** The child is prepared and the adoptive parents are committed to/ready for the placement and we have:

- helped the parents evaluate their ability to parent the child;
- provided the child information about the family;
- counseled with the child about the family and his/her acceptance of the family.

**Who:** Adoption Services Case Manager or Designated Staff

**NOTE:** Determine the schedule of the meetings by the child's age, readiness to move, and needs; the adoptive parents' readiness for placement.  
(CR: Preparing the Child for Adoptive Placement)

Plan the presentation during a time in which the adoptive parents, who have made a commitment to accepting the child for placement, are not preoccupied with other activities. The family needs to adjust to such changes and be focused on the adoption before involving a child or themselves in caring for a child.

### **Steps:**

- 1. Site**

Choose a comfortable, private site familiar to the child if possible (foster home, parks, zoos, or area county office). Notify the foster family, the adoptive parents, and their case managers of the meeting time and place. It is recommended that the first visit occur in the foster home if at all possible.
- 2. Activities**

Plan an interaction between the child and family that will help them know one another. The family will share their gift with the child at this visit.
- 3. Documentation**

Document in the adoptive parents and child's case record non-identifying information about the child's and the adoptive parents reactions during the meeting.

#### 4. Re-Evaluation

If the adoptive parents decide not to pursue placement, their case manager must meet with the adoptive family to re-evaluate the prospective adoptive home. (This meeting should occur no sooner than 30 days and no longer than 45 days from the date of the adoptive parents' decision). The re-evaluation should focus on:

- a comparison of the type child presented with the type child the family stated they wanted to adopt. Process the family's reason for not proceeding with placement;
- the family's continued acceptance of adoption;
- agency recommendation for placement.

Update TN KIDS and REACT to reflect the family's status. (CR: Policy 15.06 Registering and Maintaining Status of Adoptive Parent(s) with REACT)

## VI. CONDUCTING PREPLACEMENT VISITATION

**What:** Conduct the preplacement visitation

**When:** As needed by the child (based on age, developmental level, and acceptance of the placement)

**Who:** Adoption Services Case Managers or Designated Staff

**Why:** Preplacement visitation is arranged for the child to help him/her become acquainted with the prospective adoptive family and deal with separation from the foster/birth/legal family. The purpose of the preplacement activities is to assist the family and child in the beginning process of family integration.

### Steps:

**NOTE:** Either the child's or adoptive parents' case manager must be present at the first visit between the child and the family and act as a facilitator in establishing relationships.

#### 1. Frequency

Determine the frequency of visits based on the child's age, as follows:

- 6 months old and younger - one visit, usually the physical presentation, of at least two hour;
- 6 - 11 months - at least two visits;
- 12 - 35 months - at least three visits, at least one in the foster home and one overnight visit;
- 3 - 17 years - a minimum of four visits (preferably, in the foster home, at least one overnight visit, and a weekend visit);
- Visitation needs to be set to meet the child's needs. The visits should be progressive and the frequency and duration should increase. Consult the team leader for any exceptions to these visitation schedules. (CR: Preparing the Child for Adoptive Placement)

## **2. Adoption Assistance**

Discuss with the adoptive family procedures for reimbursement for travel regarding visitation if the child is eligible to receive adoption assistance. (CR: Adoption Assistance Procedures) If placement is not made, this is not a reimbursable expense.

## **3. Re-Evaluation**

When an adoptive family decides not to proceed with placement, the adoptive family case manager should meet with the adoptive family and complete a re-evaluation. This should occur no sooner than 30 days and no later than 45 days from the date of the adoptive family's decision. The re-evaluation should focus on:

- a comparison of the type child presented with the type child the family stated they wanted to adopt. Process the family's reason for not proceeding with placement;
- the family's continued interest in adoption;
- agency recommendation for placement.

Update TN KIDS and REACT to reflect the family's status. (CR: Policy 15.06 Registering and Maintaining Status of Adoptive Parent(s) with REACT)

## **4. Supporting the Child**

When a potential placement with a family does not occur, the child will need support in understanding what has happened. Circumstances around the decision not to proceed are explained in non-blaming terms. Example: You need a family that can help you..., or We all thought this family could help you but they aren't able to...

The child's feelings about the placement experience should be incorporated in the child's Life Book through words and/or drawings.



## **VII. MAKING THE PLACEMENT**

**What:** Prior to signing the adoptive contract, the DCS case manager will make sure that all legal action to free the child for adoption has been accomplished or will be accomplished without impediments. Make the adoptive placement between the adoptive parents and the child.

**When:** After preplacement visitation and when the adoptive family, child, and DCS agree that placement is appropriate

**Who:** Adoption Services Case Manager, Adoptive Family Case Manager or Designated Staff

### **Steps:**

**1. Life Book** Ensure that the Life Book goes with child.  
(CR: Preparing the Child for Adoptive Placement)

**2. Placement Agreement** Adoptive Placement Agreement between DCS and prospective adoptive parents is signed when the child is legally free.

The Free Home Agreement is signed when the child is not legally free (e.g., waiting for voluntary surrender, involuntary termination of rights of one parent, clearing of the putative father registry).

Before signing the Adoptive Placement or Free Home Agreement, ensure that foster care payments are stopped.

A Child Placement Contract to Provide Temporary Foster Care is signed when a legal risk placement is being done.

**NOTE:** When guardianship is obtained, ensure that you and the adoptive parents sign the Adoptive Placement Agreement form.

**3. Adoption Assistance** When appropriate, have adoptive parents sign Adoption Assistance Agreement (CR: Policy 15.11 Adoption Assistance Agreements Created On Or After October 1, 1997) or Deferred Adoption Assistance Application

(CR: Policy 15.12 Deferred Adoption Assistance).

**4. School**

Share with the child's school principal (where the child is to be enrolled) any information required by the education department regarding the child. Request that all school personnel keep information about the child's original identity confidential. The adoptive parents sign report cards and attend parent's meetings/conferences prior to finalization of the adoption.

**5. Service Information System**

Update TN KIDS, CHIPFINS, and REACT. (CR: Policy 15.05 Registering and Maintaining Status of Children with REACT and Policy 15.06 Registering and Maintaining Status of Adoptive Parent(s) with REACT)

## VIII. TRANSFERRING/MERGING RECORDS

**What:** Transfer/merge child's case record

**When:** After Adoptive/Free Home placement agreements are signed

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

#### **1. Transfer**

Transfer the child's case record within seven calendar days to the area office that is supervising the adoptive placement.

If placing a child with another Tennessee-licensed child-placing agency, maintain the child's original case record in the area office until finalization. After finalization send the child's original record to the Tennessee-licensed child placing agency for sealing purposes.

If placing a child out of state, maintain the child's original case record in the area office until finalization. After finalization, the child's record should be sealed and sent to the Post Adoption Services in Central Office.

#### **2. Merge**

Merge the child's record and the adoptive family's record after free home/adoptive placement agreements are signed and keep them as one record when the adoptive family is a DCS family and the child is a DCS child.

#### **3. Documentation**

Effective with the date the free home/adoptive contract is signed, all dictation will be in the child's adoptive name.

When the child is in a legal risk placement, documentation will remain in the child's birth name until adoptive placement agreements are signed.

**NOTE:** When a free home placement is made, and when termination of parental rights are pending, transfer a copy of the child's record to the area office supervising the placement within seven calendar days.

## **IX. PROVIDING POST-PLACEMENT SUPPORT/SUPERVISION**

**What:** The case manager must provide post-placement support to the adoptive family and the child until the adoption is finalized

**When:** At the time a legal risk, free home and/or adoptive placement is made

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps:**

- 1. Need** Explain to the parents that post-placement support/supervision is necessary to help the child integrate into his/her new family to determine that adjustment is satisfactory before consenting to the adoption.
- 2. Support** Give assurance, help, and support during the placement period. Help the parents plan how they will help an older adopted child understand and accept his/her adoptive status. (WA: Adoption Post Placement Sharing Sheet)
- 3. Supervision** Visitation is to be consistent with Levels of Supervision. (CR: Policy 14.02 Supervision Levels of Dependent and Neglected Children)
- 4. Presentation Summary** Review all information about the child from the Presentation Summary with the adoptive parents as needed. (CR: Preparing the Presentation Summary)
- 5. SSI Benefits** Ensure, when appropriate, that the adoptive parents were advised to apply for SSI at the time of placement. (CR: Adoption Assistance Procedures)
- 6. VA, SSA, or Other Benefits** During the supervisory period, receive approval from the Team Leader before discussing with the adoptive parents the fact that the child receives VA, SSA, or other benefits. (CR: Adoption Assistance Procedures)

Just prior to finalization of the adoption, follow these procedures:

- Advise the family of the availability of benefits;
- Explain that confidentiality ceases when the adoptive parents receive benefit checks; i.e., the birth/legal parents' claim number will appear on the check.

If the family wants to receive benefits, release the claimant name and number.

After finalization of the adoption, follow these procedures:

- Advise the adoptive family to apply for benefits at the local SSA/VA office by furnishing the claimant information and a copy of the final decree of adoption.
- After the family becomes payee, notify Fiscal Services of the adoption and the family's application for benefits. Fiscal Services will release accumulated funds back to Social Security, who will then reissue benefits to the adoptive parents as new payee.

**NOTE:** After a child's adoption is final, refer any request for information regarding benefits to Post Adoption Services, Central Office.

## Work Aid: Adoption Post Placement “Sharing Sheet”

CHILD'S NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

FAMILY NAME: \_\_\_\_\_ TYPE CONTACT: \_\_\_\_\_

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General Adjustment of Each Family Member: (give examples)

Feelings of Family Members:

Discipline Used: (give examples)

School Adjustment: (give examples)

Medical/Health Issues: (give specific dates/places if medical treatment obtained and diagnosis/prognosis)

Area of Success:

Areas That Need Attention:

Areas of Focus for Next Month:

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Adoption Case Manager

## **X. REMOVING CHILD FROM THE ADOPTIVE HOME (DISRUPTIONS/DISSOLUTIONS)**

**What:** Remove the child from the adoptive home

**When:** At the time of a disruption, prior to finalization of the adoption;  
at the time of a dissolution, after finalization of the adoption

**Who:** Adoptive Family's Case Manager/Team Leader

**Steps:**

### **Disruptions:**

#### **1. Considerations**

Carefully consider all facts before removing a child from the adoptive home. Because of the potential emotional damage to the child, remove the child only in case of the adoptive parents seriously incapacitating illness or death, or neglect, cruelty, or rejection of the child. Also, carefully consider a request for disruption from the parent or child. Remove the child suddenly only if the child's safety requires it.

Any removal should be done with Team Leader and Team Coordinator approval.

In situations of Child Protective Services related emergency removals, Child Protective Services policies and procedures are to be followed.

If a petition to adopt has been filed, area legal staff must be advised.

#### **2. Planning**

If the child is to be removed, explain to all individuals involved that DCS has responsibility for planning for the child. The child may be placed into another adoptive home, foster home, or a residential placement, depending on the child's needs. Provide support services to the child. (WA: Talking With Children About Disruptions)

**3. Financial Responsibility**

Ensure that the county that was last financially responsible for the child resumes that responsibility. Advise that services may continue by the area office serving the child when it best meets the needs of the child.

**4. Service Information System**

Report disruptions and their reasons on TN KIDS and update REACT. (CR: Policy 15.05 Registering and Maintaining Status of Children with Policy 15.06 Registering and Maintaining Status of Adoption Parent(s) with REACT)

**5. Re-Evaluation**

Continue services to the adoptive family following the disruption of an adoptive placement. Try to determine the reasons for the unsuccessful placement. With the family, determine the appropriateness of a future adoptive placement and the type child appropriate for the family.

Update TN KIDS and REACT to reflect the child's and family's status. (CR: Policy 15.06 Registering and Maintaining Status of Adoptive Parent(s) with REACT)

**Dissolutions:**

**1. Child Protective Services**

Follow the steps outlined above for procedures regarding disruptions. If placement cannot continue because of harm or threat of harm to the child, removal is based on CPS criteria. (CR: Child Protective Services)

**2. Financial Responsibility**

After dissolution, financial responsibility remains in the county of venue where the dissolution occurred.



## **Work Aid: Talking with Children About Disruptions**

- Things between you and your mom and dad are not working out.
- It is not your fault that it isn't working out. It is really not anyone's fault. I don't know exactly why it did not work out. We all tried our best. We all made some mistakes we wish we wouldn't have made.
- What we all need to do is talk with each other so we can figure out why it didn't work. Maybe we can learn from each other so that the next time we have a better chance of making it work.
- You can help a lot by talking with me about the things you liked and didn't like. I will try to help you and your mom and dad understand how each of you feels about the things that happened.
- You must be feeling very sad and very angry. That's okay. I feel some of those feelings, too. So do your mom and dad. It's really hard when something you want very much didn't work out.
- It doesn't always work the first time. That doesn't mean that anyone is bad. It usually means that we didn't have the right combination of parents and children.
- Lots of times it works out the second time. We will just keep trying until it does. It can work.
- Whatever happens, I'll make sure that you have someone to take care of you. You won't be alone. It's my job to find the mom and dad who will be best for you.
- Even though you feel really scared and sad now, I think things will be okay after you get settled in your new family.

A Look at Disrupted Adoptions, Spaulding for Children, Michigan Department of Social Services.

## ADOPTION ASSISTANCE

### Introduction

A fundamental premise of adoption is that every child is entitled to the love, security, and stability of a family that will be his/her permanent home. The Adoption Assistance Program contributes financially to assist families, otherwise lacking the financial resources, in adopting eligible children with special needs. Such families are untapped resources for children with special needs for whom permanent homes would be unavailable without Adoption Assistance. The state periodically evaluates the rates used in the Adoption Assistance Program on the same schedule that it evaluates foster care rates. Families must renew assistance annually.

After determining a child's eligibility for Adoption Assistance and that a family has been approved to adopt, DCS negotiates the amount of the Adoption Assistance payment with the adoptive family based on the child's needs and the family's circumstances. The Tennessee Adoption Assistance Program (state-funded), federal financial participation under Title IV-E of the Social Security Act, or a combination of the two programs funds Adoption Assistance. DCS must evaluate the child's categorical eligibility for state-funded or Title IV-E (TAN-F or SSI) Adoption Assistance and the service to be provided. All cases involving children whose foster care was funded through Title IV-E will be eligible for Title IV-E Adoption Assistance

The six categories of state-funded Adoption Assistance are:

- monthly payment;
- payments for medical/psychological/psychiatric services for significant conditions that existed before placement/finalization;
- TennCare/Medicaid coverage;
- payment for transportation necessary to obtain medical treatment;
- payment for one-time clothing allowance;
- Social Services Block Grant (SSBG) eligibility for SSBG Services.

The four categories of Title IV-E Adoption Assistance are:

- monthly payment;
- TennCare/Medicaid coverage;
- Social Services Block Grant (SSBG) eligibility for SSBG Services;
- payments for non-recurring expenses related to the adoption.

**NOTE: Title IV-E cases may also receive state-funded services such as payment for medical services or travel of 150 miles or more one way for approved medical treatment.** DCS may re-evaluate Adoption Assistance benefits any time a circumstance occurs that affects the amount or type of assistance provided. DCS does not delay action until the annual renewal of the assistance.

The Title IV-E Adoption Assistance Act provides that families who adopt children with special needs will have needed services available regardless of their state of residence. Therefore, DCS

is responsible for ensuring that families whom DCS has approved for Tennessee Adoption Assistance and who reside out of state receive services. Another state may also request DCS to help families who are Tennessee residents and whom that state approves for Adoption Assistance.

## **Legal Base**

TCA 36-1-201, 36-1-202, 36-1-203, 36-1-204, 36-1-205, 36-1-206  
TCA 36-1-102  
Public Law 96-272 (42 USC 670 et. seq)

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**NOTE:** All other Work Aids follow procedures.

## **Forms**

CS-0460	Application for Adoption Assistance
CS-0461	Adoption Assistance Agreements Applied for Prior to October 1, 1997
CS-0513	Adoption Assistance Agreements Created on or After October 1, 1997
CS-0459	Adoption Assistance Renewal Affidavit
CS-0476	Notification of Changes of Circumstances

## I. DETERMINING CHILD'S ELIGIBILITY FOR ADOPTION ASSISTANCE

**What:** Determine child's eligibility for Adoption Assistance.

**When:** Child becomes available for adoptive placement.

**Who:** Adoption Services Case Manager/Team Leader/Designated Staff

### Steps:

#### 1. Characteristics/Conditions

Determine that the child was in the custody of the Department or a Tennessee Licensed Child-Placing Agency (public or non-profit) immediately preceding adoptive placement or that the child was in full guardianship.

**NOTE:** "Immediately preceding adoptive placement" applies to situations when the child was surrendered directly to the adoptive parents while the child was in the custody of the agency or when termination of parental rights has occurred as a result of petition for termination/adoption filed by prospective adoptive parents. This does not apply to those cases where termination of parental rights and adoption are pursued by the prospective adoptive parents after a transfer of custody to them.

Determine that, prior to placement in an adoptive home, one or more of the following special needs exists:

- Any child who has a severe physical or psychological condition as diagnosed by a licensed physician, psychologist, or licensed clinical social worker;
- Sibling groups of 3 or more children who are placed together;  
**Note:** In defining sibling groups, the term "placed together" means three or more children are placed with the same family for the purpose of adoption at the same time and the adoptive placement contracts for all children are signed at the same time
- Any child who is HIV positive;
- Any child with minority heritage, age 5 or over;
- Caucasian children age 9 or over;

- Any child whose life experiences include neglect (which rises to the level of severe child abuse as defined by T.C.A. 37-1-102 (b) (21), physical abuse and/or sexual abuse.

## 2. Child's Record

Review all documents in a child's record to determine if the mother's and father's (birth/putative and/or legal father's) parental rights have been terminated.

Documents may include the following:

- an agency surrender made directly to DCS or Tennessee Licensed Child-Placing Agency;
- juvenile, chancery, or circuit court orders terminating parental rights;
- legal verification of the death of the parent(s).

**NOTE:** Children in partial guardianship are not eligible for Adoption Assistance.

## **II. DETERMINING REASONABLE EFFORTS FOR ADOPTION ASSISTANCE**

**What:** Determine if an appropriate adoptive family needs Adoption Assistance.

**When:** When an eligible child is identified for the family and circumstances prevent the adoptive family from adopting without financial assistance

**Who:** Adoptive Family's Case Manager or Designated Staff

### **Steps:**

#### **1. Requirements**

Assure that the following requirements are met:

- When it has been determined that placement with a certain family would be the most suitable for the child, the question should be posed whether the prospective adoptive parents are willing to adopt without Adoption Assistance. If the family say that they cannot adopt the child without Adoption Assistance, reasonable efforts requirement has been met.

This requirement for preferably adopting without financial assistance does not have to be met when foster parents are adopting.

The discussion with the prospective adoptive parents regarding the eligibility for Adoption Assistance must be documented in the record.

- The family fulfills all adoption requirements as evidenced by an approved home study completed by DCS, a Tennessee-Licensed Child-Placing Agency or a Licensed Child Placing Agency in the state where the child is to be placed with Interstate Compact on The Placement Of Children approval.
- The resources of the adoptive family are sufficient to meet their own needs. DCS will negotiate the amount of Adoption Assistance with each adoptive family based on their individual circumstances and the child's needs.
- The family submits an Application for Adoption Assistance form, CS-0460, supplied by DCS.



- Provided the adoptive family meets all applicable requirements, DCS will not consider the adoptive family's residence in initiating/continuing Adoption Assistance.

### **III. OBTAINING ADOPTION ASSISTANCE FOR A CHILD IN DCS CUSTODY/GUARDIANSHIP WHO IS TO BE PLACED WITH A DCS ADOPTIVE FAMILY**

**What:** Obtain approval for Adoption Assistance for a child in DCS custody/guardianship who is to be placed with a DCS adoptive family.

**When:** The decision is made that adoptive placement will occur.

**Who:** Adoption Services Family's Case Manager/Adoption Services Child's Case Manager/Designated Staff

#### **Steps:**

**NOTE:** For initial approvals, it is preferable they begin the first day of the month, but may begin any time during the month. They must end the last day of the month of the contract period which does not exceed a one year time frame.

#### **1. Child's Eligibility**

The child's Adoption Services Case Manager or designated staff will obtain the Team Leader's written approval of the child's eligibility for Adoption Assistance by reviewing the documentation of the child's special needs in the child's record. (CR: Determining Child's Eligibility for Adoption Assistance)

#### **2. Preplacement Conference**

The child's Adoption Services Case Manager or designated staff and the family's Adoption Services Case Manager or designated staff must conduct a preplacement conference to mutually evaluate the adoptive family's ability to meet the child's special needs for Adoption Assistance. (CR: Conducting the Preplacement Conference)

The child's Adoption Services Case Manager or designated staff must list the child's special needs and the resources required to meet those needs. The Adoption Services Case Manager or designated staff must also indicate if the child is eligible for Adoption Assistance.

The adoptive family's Adoption Services Case Manager or designated staff must list the resources available to meet the child's special needs. Both Adoption Services Case Managers or designated staff must evaluate the adoptive family's ability to meet the child's needs.

After agreeing that the adoptive placement will occur, the child's Adoption Services Case Manager or designated staff will provide necessary documents as listed below for the Adoption Services Case Manager or designated staff who will supervise the placement:

- custody/guardianship status;
- documentation of reasonable efforts to place the child with a family who could adopt without Adoption Assistance;
- verification of medical, psychological/psychiatric, dental and hospital service(s) needed;
- coordinate date of last payment for current foster care placements and identify county of financial responsibility;
- receipt of VA, SSI, SSA, or another benefit.

### **3. Documentation**

The family's Adoption Services Case Manager will ensure that the adoptive family completes and submits the following:

- Form CS-0460, Adoption Assistance Program-Application for Adoption Assistance, Part I;
- insurance statement (The insurance statement, indicating whether or not coverage is available, is necessary only when the adoptive family requires medical assistance);
- non-recurring adoption expenses statement (The statement is necessary only when the adoptive family requests payment of legal fees, adoption fees, or other allowable expenses). (CR: Determining Eligibility For Non-Recurring Adoption Expenses)

### **4. Agreement**

Explain to the family that they will be required to sign an Adoption Assistance Agreement specifying services.

Adoption Assistance Agreements should be signed at the time of placement and must be signed prior to finalization of the adoption.

**NOTE:** When previously undetermined needs become evident after placement and prior to finalization, DCS may implement Adoption Assistance for an eligible child. The process is the same as an initial approval.

#### **IV. OBTAINING ADOPTION ASSISTANCE FOR A CHILD IN DCS/TENNESSEE LICENSED CHILD PLACING AGENCY CUSTODY/GUARDIANSHIP WHO IS TO BE PLACED WITH A FAMILY APPROVED BY A TENNESSEE LICENSED CHILD PLACING AGENCY**

**What:** Assist in the application and approval of Adoption Assistance for a child in DCS/Tennessee Licensed Child Placing Agency custody/guardianship who is to be placed with a family approved by a Tennessee Licensed Child Placing Agency.

**When:** The decision is made that adoptive placement will occur.

**Who:** Adoption Services Case Manager or Designated Staff/Private Agency Caseworker

#### **Steps:**

**NOTE:** For initial approvals, it is preferable they begin the first day of the month, but may begin any time during the month. They must end the last day of the month of the contract period which does not exceed a one year time frame.

##### **1. Initial Contact - DCS Custody/Guardianship**

For a child in DCS custody/guardianship, the child's Adoption Services Case Manager or designated staff must discuss the pending Adoption Assistance case at the time of the preplacement conference with the private agency caseworker.

The child's Adoption Services Case Manager or designated staff must assist the private agency caseworker in obtaining information for the Team Coordinator serving the family's area of residence.

##### **2. Initial Contact - Tennessee Licensed Child Placing Agency Custody/Guardianship**

For a child in the custody/guardianship of a Tennessee Licensed Child Placing Agency, the private agency caseworker contacts the regional office serving the area of the adoptive family's residence to obtain forms and guidance on implementing Adoption Assistance.

The private agency caseworker will complete the Adoption Assistance Application with the agreement of the Team Coordinator serving the family's area of residence.

##### **3. Approval**

The Team Coordinator determines the Adoption Assistance and conveys the decision to the Tennessee Licensed Child Placing Agency.

**NOTE:** Until finalization the Licensed Child Placing Agency is responsible for all revisions, renewals, and closures. The DCS office of the adoptive family's residence will maintain the case and complete all revisions, annual renewals, and closures after finalization.

## **V. NEGOTIATING TYPE AND AMOUNT OF ADOPTION ASSISTANCE**

**What:** Negotiate the type and amount of assistance available to an adoptive family and all conditions of the assistance.

**When:** When a child eligible for Adoption Assistance is to be placed with an adoptive family.

**Who:** Adoption Services Family's Case Manager with assistance from child's Adoption Services Case Manager or Designated Staff.

### **Steps:**

#### **1. Amount/Coverage**

Specify in writing with the adoptive family the agreed upon amount of assistance/coverage at the time of placement or prior to finalization of the adoption by completing Form CS-0513, Adoption Assistance Program-Adoption Assistance Agreement Created on or after Oct.1, 1997. (CR: Policy 15.11 Adoption Assistance Agreement Created on or After October 1, 1997 and WA: Checklist for New Adoption Assistance Cases)

Discuss the following areas:

- extent of coverage and rate of payment for approved assistance—limited to that specified in the agreement;
- no coverage is available for educational expenses;
- availability of TennCare/Medicaid;
- availability of Social Services Block Grant (SSBG) services;
- method of payment for medical expenses; (CR: Advising Families of the Rate and Method of Payment for Medical/Psychological/Psychiatric, Dental and Hospital Services)
- method of payment for monthly payments;
- method of payment for non-recurring adoption expenses;

- DCS's inability to authorize any new service unless such service is directly related to a condition that DCS documented as existing before the adoption was final;
- possible changes in the Adoption Assistance Agreement Created on or After Oct.1, 1997 when the family no longer needs a service, when changes occur in resources available to meet the child's needs, when changes are effected in the foster care board rate, or when changes occur because of the renewal process.

## **2. Resources/Benefits**

Explain to the adoptive family that they are to use other resources available or that become available before using Adoption Assistance. Other resources include insurance, TennCare/Medicaid, and other agency services (i.e.; Shriner's, Children's Special Services, Lion's Club).

Explain to the adoptive family that Adoption Assistance will not pay medical expense for children who are eligible for TennCare or private insurance and other non-profit agency services.

Explain that DCS expects the adoptive family to apply for and provide ongoing private insurance coverage through their current family coverage.

Also, explain that DCS expects the adoptive family to apply for and notify DCS of receipt of other available benefits (SSI/SSA or other benefits) and that these benefits may affect the amount of Adoption Assistance they receive.

## **3. Change of Circumstances**

Explain to the adoptive family that it is their responsibility to notify DCS of circumstances that affect the availability of Adoption Assistance, including the following:

- any reason the need for assistance changes/ceases;
- the adoptive family must notify DCS of any changes in health/hospitalization coverage available for the child;
- the child is no longer in the home;



- the child is no longer a legal member of the family;
- the family is no longer legally responsible for supporting the child;
- the child has his/her eighteenth and twenty-first birthdays (These ages are significant for Adoption Assistance, whether IV-E or state funded.);
- a non-emergency medical care treatment that will cost \$300 or more;
- the child requires institutionalization and/or inpatient psychiatric hospitalization.

## **Work Aid: Checklist for New Adoption Assistance Cases**

1. Does the child/children have special needs as defined in #5 below?

☐ Yes      ☐ No

2. Have the child/children's parental rights been terminated?

☐ Yes      ☐ No

3. Are the foster parents, where the child is residing, to be the adoptive parents?

☐ Yes                      ☐ No

If yes, go to item 5.

If no, go to item 4.

4. Have reasonable efforts been made to find an appropriate adoptive home that will not need Adoption Assistance? When it has been determined that placement with a certain family would be the most suitable for the child, then complete information should be shared of the child's background, as well as known and potential problems. If the family says that they cannot adopt the child without Adoption Assistance, the requirement has been met.

☐ Yes      ☐ No

5. What are the child's special needs and what type of assistance will be available?

☐ Child has a severe physical or psychological condition as diagnosed by a licensed physician, psychologist, psychiatrist, or licensed clinical social worker - potential benefit:

monthly payment less than DCS foster care payment for that age child, non-recurring adoption expenses, medical/psychological/psychiatric/dental services as related to the diagnosed special needs, and transportation for medical services that are 150 miles or more one way

☐ Sibling group of 3 or more children who are placed together - potential benefit:

monthly payment less than DCS foster care payment for that age child, non-recurring adoption expenses, and one time clothing allowance

☐ Child is HIV positive - potential benefit:

monthly payment less than DCS foster care payment for that age child,

non-recurring adoption expenses, medical services, and transportation for medical services that are 150 miles or more one way

( ) Child with minority heritage, age 5 and over - potential benefit:

monthly payment less than the DCS foster care payment for that age child, and non-recurring adoption expenses

( ) Caucasian child age 9 or over - potential benefit:

monthly payment less than the DCS foster care payment for that age child, and non-recurring adoption expenses

( ) A child whose life experiences include neglect (which rises to the level of severe child abuse as defined in T.C.A. 37-1-102 (b) (21), physical abuse and/or sexual abuse - potential benefit:

monthly payment less than the DCS foster care payment for that age child, non-recurring adoption expenses, medical/ psychological services, and transportation for medical services that are 150 miles or more one way

6. Does the child have personal financial resources?

( ) Yes ( ) No

VA/SSA?

( ) Yes ( ) No

If yes, monthly payments are approved now but may be adjusted when the adoptive family becomes payee.

SSI?

If yes, adoptive family must apply for benefits, and monthly payments must be approved effective now and negotiated with the family.

7. Is a monthly Adoption Assistance payment recommended?

( ) Yes ( ) No

If yes, is it less than the DCS foster care board rate?

8. Is medical assistance requested?

☐ Yes      ☐ No

If yes, is the required treatment documented, giving diagnosis, prognosis, and estimate of cost?

☐ Yes      ☐ No

If no, Adoption Assistance is not available for medical treatment.

If yes, do you understand how to interpret limitations about TennCare, and approval of non-emergency medical treatment cost of \$300 or more?

9. Is medical equipment needed?

☐ Yes      ☐ No

If yes, do you understand how to interpret state-purchasing requirements?

10. Is travel assistance being requested to secure medical treatment?

☐ Yes      ☐ No

If yes, do you understand how to interpret state travel regulations; is it related to medical care involving one-way travel of 150 miles or more?

11. Is clothing assistance recommended?

☐ Yes      ☐ No

If yes, is this a placement concerning a sibling group of three or more who are to be placed together? Is need established and payment recommended with "clothing allowance"? If placement is with the foster parents with whom child was residing, clothing allowance is not available.

12. Is assistance for non-recurring adoption expenses recommended?

☐ Yes      ☐ No

If yes, the maximum is \$1,500. If legal fees are included, is a letter attached from the attorney giving the cost estimate and listing all of the children included in the petition? If adoption fees are included, is a letter attached from the licensed child-placing agency? If health and psychological examinations are included, are the necessary statements and receipts attached? If travel expenses are being included, are the necessary statements and receipts attached?

## **Work Aid: NEW CASE PACKET CONTENTS**

Form CS-0460, Application for Adoption Assistance

Form CS-0513, Adoption Assistance Agreements Created On or After  
October 1, 1997

Documentation of cost of non-recurring adoption expenses is required when these expenses are included in the Agreement

Medical documentation is required when medical services are included in the Agreement. This documentation must include the following:

- diagnosis;
- prognosis;
- statement of ongoing or future need for treatment;
- estimate of how long treatment will be needed;
- estimate of the cost of present and/or future treatment.

When the initial documentation states the child's condition is permanent (such as a child who has cerebral palsy), documentation only needs to be provided initially, unless there is a significant change in the condition. Note on Form CS-0460, Application for Adoption Assistance, the child's condition and the date of initial documentation.

When the initial documentation relates to a future need for treatment, (e.g. an abused child who needs future counseling) initial documentation must reflect the need is for future treatment. Documentation does not have to be obtained at the renewal each year until the child actually begins receiving that service. Note on the Form CS-0460, Application for Adoption Assistance, the child's condition and the date of initial documentation. The service and estimated cost would continue to be listed on the Application and Agreement each year at renewal regardless of whether the service was being utilized.

This information is used to establish the Adoption Assistance Case Record.

## VI. DETERMINING AMOUNT OF THE MONTHLY PAYMENT

**What:** Determine the amount of monthly payment when the child is eligible to receive an Adoption Assistance payment due to special needs.

**When:** At time of placement or at time of request for an adjustment if an Adoption Assistance Agreement is in effect

**Who:** Adoption Services Case Manager/Team Leader/Team Coordinator/Designated Staff

**NOTE:** Effective February 1, 2001, a monthly payment will be made based on a daily payment amount. This is in accordance with the foster care payment structure.

### Steps:

- Determine the Child's Resources** Help the family to identify resources, determine the need and assess amount of monthly maintenance payment based on the needs of child.

Negotiate Negotiate a monthly maintenance payment, which must be less than the current DCS foster care board rate.

**NOTE: The following rates are less than the current DCS foster care rates and are to be used only for agreements entered into December 1, 1999 or after.**

Regular Rates Regular Monthly Rates;

Age Range	Daily Rate
0-2	\$12.15**
3-4	\$8.59
5-12	\$9.48
13 and above	\$13.94**

Special Circumstances Rate Special Circumstances Rate;

The special circumstances rate may be used in those situations where the child was receiving an approved special circumstances rate while in a DCS approved foster home.

For children who were in a Tennessee Licensed Child Placing agency foster home, the Team Coordinator may approve the child to be eligible for the Special

Circumstances Rate if the child 's conditions would be considered serious enough to require need of a higher level of care/parenting.

In those situations, a monthly maintenance rate may be negotiated, but must be less than the special circumstance rate established by foster care rates for children with similar characteristics in DCS foster homes.

<b>Age Range</b>	<b>Special Circumstance Daily Rate</b>
0-2	\$18.55**
3-4	\$13.87
5-12	\$14.16
13 and above	\$18.73**

\*\*Includes \$75.00 incentive payment for the care of children under 3 and over 12 as established by foster care rates.

Rates in Effect Prior to December 1, 1999

**NOTE: The following rates are less than the current foster care rates and include a prorated clothing allotment based on the semi-annual clothing allotment received by DCS foster parents. Agreements in effect prior to December 1, 1999 included this prorated clothing allotment and will continue to include this allotment.**

Regular Rates

Regular Monthly Rates;

<b>Age Range</b>	<b>Regular Daily Rate</b>
0-2	\$12.15**
3-4	\$9.13
5-12	\$10.24
13 and above	\$15.06**

## Special Circumstances Rate

## Special Circumstances Rates;

Age Range	Special Circumstance Daily Rate
0-2	\$18.55**
3-4	\$14.41
5-12	\$14.92
13 and above	\$19.84**

## Mental Retardation Rates

These rates apply to agreements in effect both prior to December 1, 1999 and on or after December 1, 1999.

The negotiated rate of \$21.73 to \$25.35 used for the foster care board rate will be used to determine the Adoption Assistance monthly maintenance rate, depending on the special needs of the child. These rates are limited to those children diagnosed as moderately, severely, or profoundly mentally retarded.

	Daily
Moderately (IQ: 35-55)	\$21.73
Severely (IQ: 20-40)	\$25.35
Profoundly (IQ: Less than 20)	\$25.35

These IQ's are based on DSM IV Revised Standards and allow for a 5 point variance rating.

## Sibling Group Rate

Prior to February 1, 2001, when a sibling group of three or more children was placed together for adoption the monthly maintenance payment for each child was established by adding \$30.00 per child per month to the regular, special circumstances, or mental retardation rate for that particular age child as allowed by foster care rates.

**NOTE:** this sibling bonus will not be added to any new Agreement effective February 1, 2001 unless the Children were receiving this bonus while in foster care.



Those families receiving this bonus in adoption Assistance prior to February 1, 2001 will continue to Receive the bonus.

## **2. Extraordinary Circumstances**

Adoption Services Family's Case Manager or designated staff will determine the child's needs based on diagnosis, prognosis, and level of parenting required by child.

The Team Leader and Team Coordinator will review information to determine the appropriateness of referral based on documentation of child's needs through letters from professionals and detailed information from child's caregiver on child's daily needs.

The Adoption Services Case Manager, Team Leader, and Team Coordinator will consult on the requested special rate.

The recommendations for an extraordinary rate with approval of the Team Coordinator will be forwarded to the Adoption Services Program Director Central Office in writing with supporting documentation for review and consideration for approval.

Adoption Services Director will notify, in writing, the person making the request of the decision.

Adoption Services Case Manager will advise the adoptive family of the decision.

**NOTE:** A child who received an extraordinary foster care board rate would not automatically receive an extraordinary Adoption Assistance maintenance payment. The above procedure must be followed.

## **VII. DETERMINING THE EFFECT OF SSI BENEFITS ON ADOPTION ASSISTANCE**

**What:** Determine how the adoptive child's SSI benefits affect Adoption Assistance.

**When:** The child is placed for adoption

**Who:** Adoption Services Child's Case Manager

### **Steps:**

- 1. Circumstances**

Notify Fiscal Services when a child who is receiving SSI is placed for adoption. (Form: Notification of Changes of Circumstances, Form CS-0476).

**NOTE:** DCS or Tennessee Licensed Child Placing Agency ceases to be payee for these benefits from the date all parties sign the Adoption Placement Agreement.
- 2. Adoptive Parents**

The adoptive parents will apply for SSI in the child's adoptive name.
- 3. Social Security Office**

Furnish the Social Security Office with a copy of the child's SSI Benefits Letter. A cover letter must contain both the child's biological and adoptive name and the name and address of adoptive parents. It must be stressed in the cover letter that the child's birth identity must not be revealed to the adoptive family.
- 4. TennCare**

Document the TennCare number in the Adoption Assistance record.
- 5. Payment**

When the SSI payment is less than the foster care board rate, Adoption Assistance monthly maintenance payment may be approved. The combined monthly payment must be less than the foster care board rate.
- 6. Title IV-E**

When the child is eligible for Title IV-E funding, ensure that DCS makes a monthly cash payment or includes medical services in the agreement.
- 7. Finalized Adoption**

Advise the adoptive parents that they must

notify Social Security immediately upon finalization of the adoption.

The adoptive parents' income and resources will be considered in determining SSI benefits after finalization.  
(CR: Revising Adoption Assistance)

## **VIII. DETERMINING THE EFFECT OF SSA/VA/OTHER BENEFITS ON ADOPTION ASSISTANCE**

**What:** Determine the effect of SSA/VA/other benefits on Adoption Assistance.

**When:** When child is receiving those benefits and will be placed with Adoption Assistance.

**Who:** Adoption Services Child's Case Manager or Designated Staff

### **Steps:**

**1. Eligibility** The child's Adoption Services Case Manager or designated staff must ensure that the family's Adoption Services Case Manager or designated staff receives specific information about the child's eligibility for SSA/VA/other benefits.

**2. Adoptive Parents** The adoptive parents should apply for the benefits upon finalization of the adoption. If the adoptive parents refuse to apply for these benefits, contact the Adoption Assistance Program Specialist in Central Office.

**NOTE:** Just prior to finalization the Adoption Services Case Manager or designated staff must discuss child's eligibility for benefits. The adoptive parents must be aware that this is a direct link to the birth family. Information required by Social Security to make application for these benefits must be given to the adoptive parents prior to the finalization. After finalization, request for release of any information must be referred to the Post Adoption Services, Central Office.

**3. Monthly Payment** When the adoptive parents become the payee for the benefits, decrease the monthly adoption assistance payment by the amount of the SSA/VA/other benefits.

**4. Stopping Payment** When the benefits exceed the amount of the monthly adoption assistance payment, stop the monthly adoption assistance maintenance payment. For children

eligible for Title IV-E, ensure that DCS makes a minimal monthly cash payment or includes medical services so that the Adoption Assistance Agreement remains in effect.

**5. Benefits to the Child**

After finalization of the adoption, if the child receives SSA/VA benefits as a result of the adoptive parent's circumstances (disability, age), consider these benefits as the adoptive family's income. These benefits are not considered when negotiating monthly payment.

## IX. DETERMINING ELIGIBILITY FOR NON-RECURRING ADOPTION EXPENSES

**What:** Determine the eligibility for the adoptive family to receive non-recurring expenses.

**When:** Preferably prior to the placement of a child with Adoption Assistance, must be prior to finalization of the adoption.

**Who:** Adoption Services Child's Case Manager or Designated Staff

### Steps:

#### 1. Determining Eligibility

Any child eligible for Title IV-E or State funded Adoption Assistance is eligible for this service.

DCS payment of expenditures for non-recurring expenses is a one time expense of adoption for which parents are ultimately responsible and **may not** exceed \$1500.00 per child.

The non-recurring expenses may include one or a combination of the following related to finalization of the adoption:

- legal fees including attorney fees, court cost, and guardian ad litem;
- birth certificate cost;
- the application fee, a home study by a private child placing agency and supervision of placement;
- travel expenses such as transportation and lodging for the prospective adoptive parent(s) related to the placement of a child with an out of county or out of state family. Any exceptions related to the transportation of a child during the process of placement must be referred to Adoption Staff, Central Office. Travel must be in accordance with state travel regulations;
- health and psychological examination, if required, related to completing the home study.

## **2. Procedures for Approval**

When attorney fees are a part of non-recurring expenses, all non-recurring expenditures must be approved in writing by the Director of Adoption Services in Central Office.

The Case Manager will submit documents of cost along with a request for approval to the Director of Adoption Services in Central Office.

Approval by Director of Adoption Services in Central Office must be in writing.

**NOTE:** Denials will be addressed in writing by the Director of Adoptions in Central Office.

## **3. Procedures for Reimbursement**

Non-recurring legal expenses will not be reimbursed until finalization of the adoption of the child, a final decree of adoption has been received in the DCS office, and the attorney has submitted the bill for payment.

All other non-recurring expenses may be paid upon receipt of bill and at the time of placement and the Adoption Assistance Agreement is in effect.

The Adoption Services Case Manager will complete a Standard Claim Form and a W-9.

All forms with all required original signatures and a copy of the bill and the approval of the Director of Adoption Services, Central Office will be submitted to Fiscal Services in Central Office for payment.

## **X. APPROVING ADOPTION ASSISTANCE FOR MEDICAL, PSYCHOLOGICAL/PSYCHIATRIC, DENTAL AND HOSPITAL SERVICES**

**What:** Approve Adoption Assistance for medical, psychological/psychiatric, dental and hospital services.

**When:** Upon receipt of an adoptive parents' request, prior to finalization, and after determining child's needs.

**Who:** Adoption Services Child's Case Manager or Designated Staff.

**NOTE:** Any medical/psychological/dental service included in Adoption Assistance must relate to the child's original diagnosis which made the child eligible for Adoption Assistance.

### **Steps:**

#### **1. Medical Need**

Document that the medical need existed prior to adoption.

#### **2. Initial Approval**

For an initial approval, determine that the medical need is significant by reviewing professional reports that provide the following:

- diagnosis;
- prognosis;
- statement of ongoing or future need for treatment;
- estimate of how long treatment will be needed;
- estimate of the cost of present and/or future treatment.

Request the adoptive parents to submit documentation specifying private insurance coverage.

#### **3. Renewal**

When the initial documentation states the child's medical condition is permanent, (e.g., cerebral palsy) note the child's condition and date of initial documentation on Form CS-0460, Application for Adoption Assistance. Only the initial documentation is required unless the child's condition changes significantly.

When a child is currently receiving a medical,



psychological service, obtain a professional statement at the time of each annual renewal documenting the ongoing need for that service.

When the initial documentation reflects the need for future treatment, provide documentation when the child actually begins receiving the service (not at each annual renewal). Note the child's condition and date of initial documentation on Form CS-0460, Application for Adoption Assistance. Also, at renewal/revision, list the required service on Form CS-0460, Application for Adoption Assistance, and on Form CS-0516 Adoption Assistance Agreement After Oct. 1, 1997.

## **XI. ADVISING FAMILIES OF THE RATE AND METHOD OF PAYMENT FOR MEDICAL, PSYCHOLOGICAL/PSYCHIATRIC, DENTAL, AND HOSPITAL SERVICES**

**What:** Advise families requesting payment for these services of the rate and method of payment.

**When:** At the time of entering into an Adoption Assistance Agreement and when services are requested

**Who:** Adoption Services Case Manager or Designated Staff.

### **Steps:**

#### **1. Insurance/TennCare/Medicaid**

Advise the family of the following;

- private insurance must first be utilized to meet the medical/psychological/psychiatric needs of the child/children;
- TennCare/Medicaid is available for most children receiving Adoption Assistance and will be utilized after payment of private insurance to meet the medical/psychological/psychiatric needs of children. Children receiving Adoption Assistance through the federal IV-E or state funding may be eligible for TennCare/Medicaid regardless of state residence;
- Adoption Assistance will pay no medical/psychological/psychiatric services for children eligible for private insurance or TennCare/Medicaid. **(Children who are receiving Adoption Assistance and have TennCare coverage are eligible for enhanced TennCare Services. A TennCare case manager may be requested to assist the family in accessing services for the child).**

**NOTE:** Children approved for Adoption Assistance prior to October 1, 1997, will receive services as stated in the Adoption Assistance Agreement. (CR: Policy 15.10 Adoption Assistance Agreements Created Prior to October 1, 1997).

#### **2. Ineligible for Insurance/TennCare/Medicaid**

For children who are documented to be ineligible for private insurance and TennCare (Medicaid) in the state of residence, medical/psychological/psychiatric needs will be paid at

the Tennessee state contracted rate or the usual and customary rate for the area in which the child resides. The usual and customary rate will be established by written estimates from three licensed providers from the locale from which the child resides and in accordance with the Adoption Assistance Agreement.

Residential treatment may be accessed according to the following procedures:

- Residential treatment is included in the agreement and the need for residential treatment is related to the child's diagnosis at the time the Adoption Assistance was approved;
- The residential treatment facility and treating professional must provide written documentation of the need for residential treatment, diagnosis, prognosis, treatment goals, and anticipated time frame for placement;
- All residential treatment must be approved in writing by the Director of Adoption Services, Central Office;
- For in-state placements, the facility must be a state (DCS) contracted facility and payment will not exceed the state contracted rate;
- If no in-state facility is available to meet the needs of the child, the treating professional must document why out of state treatment is needed. Payment will be based on the usual and customary rate for that area.

Medical services are accessed according to the following procedures:

- Medical/psychological/psychiatric services for the defined special needs will be provided based on documentation of medical necessity from the treating professional. (CR: Policy 15.11 Adoption Assistance Agreements Created on or After October 1, 1997).

## **XII. CLOTHING ALLOWANCE**

**What:** Determine clothing allowance eligibility and procedures for payment.

**When:** A child is placed for adoption with Adoption Assistance.

**Who:** Child's Adoption Services Case Manager, Team Leader/Team Coordinator or Designated Staff

### **Steps:**

#### **1. Determine Eligibility**

State funded assistance provides payment for a one-time clothing allowance for sibling placement of three or more children who are to be placed together.

The Adoption Services Case Manager and Team Leader are to evaluate the children's need for clothing and the adoptive family's ability to obtain sufficient clothing.

**NOTE:** DCS **DOES NOT** provide this service for foster parents adopting foster children who were in foster care in their home.

#### **2. Determining Amount**

The payment is the same as the initial DCS foster care clothing allotment for that age child and is available only at the time of the initial adoptive placement. The following chart outlines the clothing allowance for children of all ages.

<b>AGE RANGE</b>	<b>INITIAL MAXIMUM PAYMENT</b>
<b>0 through 2 years</b>	<b>\$115</b>
<b>3 through 4 years</b>	<b>\$170</b>
<b>5 through 12 years</b>	<b>\$150</b>
<b>13 and above</b>	<b>\$200</b>

#### **3. Payment Procedure**

Standard Claim form and the bill must be submitted at the time of placement when the Adoption Assistance Agreement is in effect.

### **XIII. DETERMINING AMOUNT OF PAYMENT FOR TRAVEL RELATED TO MEDICAL SERVICES**

**What:** Determine amount of payment to be reimbursed to an adoptive family for travel of 150 miles one way related to medical services.

**When:** At time of entering into the Adoption Assistance Agreement.

**Who:** Adoption Services Case Manager/Team Leader/Team Coordinator/  
Regional Administrator or Designated Staff.

**NOTE:** Expenses related to travel must be included on the initial Adoption Assistance Agreement and included in each annual renewal as long as the service is required.

#### **Steps:**

##### **1. Evaluation**

The family may request reimbursement of transportation costs necessary for the child to receive medical treatment which is not available within 150 miles one way of the family's residence. Documentation must be provided to verify that treatment is not available within this distance.

DCS will reimburse travel cost to the adoptive family for one parent and the child. The Team Coordinator may grant special approval for reimbursing both parents' travel if the child's situation warrants.

##### **2. Negotiation**

Negotiate the most economical means of transportation.

##### **3. State Travel Regulations**

Explain that DCS reimburses travel costs according to state travel regulations and is available for lodging (one hotel room) and mileage/transportation only. (Reimbursement for travel related to medical services does not include food.)

**NOTE:** When medical, psychological/psychiatric dental and hospital services require out-of-state travel, request approval from Team Leader and DCS Fiscal Services prior to authorization of this service.

##### **4. Submitting Claims**

The Adoption Assistance Designee will review all claims. (WA: Responsibilities of the Adoption Assistance Designee.)

Submit travel claims (State of Tennessee Claim for Travel Expenses) for the adoptive family with necessary receipts to Fiscal Services.

**5. Out-of-State Travel**

Complete form FA0633 State of Tennessee Request for Out-of-State Travel Authority according to instructions in *Administrative Manual* and submit the form to the Team Leader /Team Coordinator and Regional Administrator for approval.

#### **XIV. ESTABLISHING TENNCARE/MEDICAID FOR A CHILD**

**What:** Establish TennCare/Medicaid coverage for a child.

**When:** At the time of the adoptive placement.

**Who:** Adoption Services Case Manager or Designated Staff.

#### **Steps:**

##### **1. Circumstances**

When DCS places a child who receives a state-funded Adoption Assistance monthly payment, the child is eligible for TennCare as a child in a special living arrangement prior to finalization of the adoption. After finalization, a child who receives state-funded Adoption Assistance may continue to be eligible for TennCare if there are medical/psychological services in the agreement.

A child in placement with Title IV-E funding for Adoption Assistance is eligible for TennCare as a child in a special living arrangement.

##### **2. Adoption Services Case Managers/Designated Staff responsibilities**

Follow these procedures when placing a child in state:

If the child has an active TennCare case in his/her birth name, request the TennCare Case Manager close the child's TennCare case in the birth name at the time of adoptive placement.

Provide the TennCare Case Manager the following information:

- the child's birth date;
- the child's Social Security number in the adoptive name will be provided when available;
- date of adoptive placement;
- copy of Adoptive Assistance Program-Application for Adoptive Assistance, Form CS-0460;
- copy of the Adoptive Assistance Agreement, Form CS-0513.

An application for TennCare is not required. A completed Application for Adoption Assistance with a request for payment of medical expenses and TennCare is also an application for TennCare.

If the Adoption Assistance Agreement for IV-E is terminated, provide notice of the termination to the TennCare Case Manager. Advise the Case Manager if the child is approved for state-funded adoption assistance.

Follow these procedures when a child is placed out of state:

Inform the adoptive parents of a Title IV-E eligible child of the availability of Medicaid coverage in their state of residence. Upon a child's placement for adoption out of state, a referral will be made for Medicaid benefits through Interstate Compact on the Placement of Children.

**NOTE:** State-funded children living outside Tennessee will be eligible for Medicaid in the state where they live if medical services are included in the agreement. State-funded children living outside Tennessee who do not have medical services in the Agreement may be eligible for Medicaid depending on that state's Medicaid guidelines. The adoptive parents may apply for Medicaid by contacting the agency in their county of residence responsible for determining Medicaid eligibility.

### **3. Adoption Disruption**

When an adoption disrupts prior to finalization, advise the TennCare staff to close the TennCare case in the child's adoptive name because his/her coverage ceases.

Reapply for TennCare in the child's birth name when the child re-enters foster care status.



## **XV. SOCIAL SERVICES BLOCK GRANT (SSBG) ELIGIBILITY**

**What:** Determine the need for Social Services Block Grant (SSBG).

**When:** At the time of initial Adoption Assistance Agreement.

**Who:** Adoption Services Case Manager or Designated Staff.

### **Steps:**

- 1. Eligibility** Upon request from adoptive parents, the availability of SSBG services will be reviewed based on the needs of the child without regard to income.
- 2. Procedure** (WA: Instructions For Service Authorization And Billing Review)

## **Work Aid: INSTRUCTIONS FOR SERVICE AUTHORIZATION AND BILLING REVIEW**

### **Social Services Block Grant Contracts**

#### Child Development

##### **1. Authorization Process**

Provider agency notifies CSA by fax or e-mail of a new referral and provides the following information:

Case name and number

Name of child(ren) to be authorized for service, DOB, SS#, sex, and race

Name of others (parent/primary care giver) to be served on behalf of the child listed above, their SS#, sex, race, relationship to the child, address, and phone number

Contracted services to be provided

Brief statement of eligibility (See SSBG Pre-Expenditure Report for FY 1999)

SSBG Goal

The Authorization for Non Residential Services form should be used as the referral document unless the CSA has approved another referral format.

CSA staff reviews the referral information for eligibility and completes, signs, and dates an Authorization for Services form based on the above information. A copy of the completed form is sent to the provider and the original is kept in the CSA files. In completing the authorization form be sure to:

Check the appropriate SSBG goal (See SSBG Pre-Expenditure Report for FY 1999)

Check all services that are being authorized.

Authorized Effective Date = the date the provider agency notifies the CSA of the new referral or the actual future start date as appropriate. If services begin the same day as the referral date the CSA must review the referral document, authorize services, and return the authorization form to the contractor within 24 hours of receipt.

Service End Date = 12 months from the service authorization date. Services can be reauthorized if the provider agency can document continued service eligibility and need to the CSA.

Services should be deauthorized by the CSA on the service authorization form which must be signed and dated if the family leaves service prior to the service end date.

**2. Billing Review** - The provider agency will submit their invoice for payment to the CSA for review each month. Supporting documentation in the form of a standard claim invoice that reflects the children served that month and the dates of service must be attached to the invoice. The CSA

staff will reconcile the bill and supporting documentation with their authorization records and verify that only individuals authorized for service are being billed for and that all individuals authorized for service are listed as receiving service for the month. If any errors are found the bill must be returned to the provider agency for correction. Changes on the invoice or supporting documentation can only be made by the provider agency. The CSA staff will sign and date both the invoice and the supporting documentation to reflect that the CSA agrees that the persons listed have been authorized for service and the contract agency has submitted the required documentation of their service provision. The supporting documentation should be removed from the invoice and the original invoice should be mailed for payment to:

Fiscal Services  
TN Department of Children's Services  
Cordell Hull Building, 7<sup>th</sup> Floor  
436 Sixth Avenue North  
Nashville, TN 37243

A copy of both the invoice and the supporting documentation must be kept on file at the CSA office.

Child Protective Services, Child Sexual Abuse Services, Homemaker Services, Foster Care Transportation (Shelby County only), Adoption Counseling, and Parenting and Placement Services

1. Authorization Process

Department of Children's Services/CSA case manager notifies the CSA service authorization staff by fax or e-mail of a new referral for service and provides the following information:

Case name and number  
Name of child(ren) to be authorized for service, DOB, SS#, sex, and race  
Name of others (parent/primary care giver) to be served on behalf of the  
child(ren) listed above, their SS#, sex, race, relationship to the child,  
address, and phone number  
Contracted services to be provided  
Brief statement of eligibility (See SSBG Pre-Expenditure Report for FY 1999)  
SSBG Goal

The Authorization for Non Residential Services form should be used as the referral document unless the CSA has approved another referral format.

CSA staff reviews the referral information for eligibility and completes, signs, and dates an Authorization for Services form based on the above information. A copy of the completed form should be sent to the service provider and the referral worker either by fax or e-mail and the

original authorization form should be maintained in the CSA file. In completing the form be sure to:

- Check the appropriate SSBG goal (See SSBG Pre-Expenditure Report for FY 1999)

- Check all services that are being authorized

- Authorized Effective Date = the date the referral is made to the CSA or the actual future start date as appropriate. If services begin the same day as the referral date, the CSA must review the referral document, authorize services, and send a copy of the authorization form to the contractor and referring worker within 24 hours of receipt. In emergency situations, nights, weekends and holidays, the effective date can be the date the services actually started. The referral to the CSA must be made the next working day and the CSA will need to complete their review and authorization the same day they receive the emergency referral.

- Service End Date = 12 months from the service authorization date. Services can be reauthorized if the provider agency can document continued service eligibility and need to the CSA.

- Services should be deauthorized by the CSA on the service authorization form which must be signed and dated if the family leaves service prior to the service end date. A copy of the deauthorization should be sent to the provider and the referral staff.

2. Billing Review - The provider agency will submit their invoice for payment to the CSA for review each month. Supporting documentation in the form of a standard claim invoice that reflects the children served that month and the dates of service must be attached to the invoice. The CSA staff will reconcile the bill and supporting documentation with their authorization records and verify that only individuals authorized for service are being billed for and that all individuals authorized for service are listed as receiving service for the month. If any errors are found the bill must be returned to the provider agency for correction. Changes on the invoice or supporting documentation can only be made by the provider agency. The CSA staff will sign and date both the invoice and the supporting documentation to reflect that the CSA agrees that the persons listed have been authorized for service and the contract agency has submitted the required documentation of their service provision. The supporting documentation should be removed from the invoice and the original bill should be mailed for payment to:

Fiscal Services  
TN Department of Children's Services  
Cordell Hull Building 7<sup>th</sup> Floor  
436 Sixth Avenue North  
Nashville, TN 37243

A copy of both the invoice and the supporting documentation must be kept on file at the CSA office.

## **XVI. AVAILABILITY OF BENEFITS BASED ON CHILD'S AGE**

**What:** Determine continuing eligibility for a child.

**When:** The child's age changes resulting in increased payment or the child reaches age 18 or 21.

**Who:** Adoption Services Case Manager or Designated Staff.

### **Steps:**

#### **1. Circumstances/Change in Age**

Upon request by the adoptive parents for an increase or at time of renewal complete as follows:

- When the child's birthday is in the first half of the month, increase the new rate for that entire month;
- When the birthday is in the last half of the month, increase the rate at the beginning of the next month;
- An annual renewal of Adoption Assistance may be done at the time of revision due to age.

#### **2. Circumstances/At Age Eighteen**

State-funded Adoption Assistance is available until the child reaches age 18 or up to age 21 if the child is still a full time student in high school.

Title IV-E funded Adoption Assistance is available until the child reaches age 18 or up to age 21 if he/she has a mental or physical handicapping condition as established in the initial Adoption Assistance Agreement. If they do not meet handicapping conditions at age 18, the IV-E case must be closed. A state-funded case can be opened if the child remains in high school. (CR: Policy 15.10 Adoption Assistance Agreements Created Prior to October, 1997 and Policy 15.11 Adoption Assistance Agreements Created On or After October, 1997)

## **XVII. REQUEST FOR ADOPTION ASSISTANCE AFTER FINALIZATION**

**What:** Provide Adoption Assistance Application for the family to complete.

**When:** Upon request of the adoptive family.

**Who:** Adoption Services Case Manager/Adoption Assistance Designee/Designated Staff.

### **Steps:**

#### **1. Request for Adoption Assistance After Finalization**

The application for Adoption Assistance will be made by the adoptive parents in the area office serving the adoptive parents' county of residence.

Out-of-state adoptive parents who resided out-of-state at the time the child was placed by a Tennessee Licensed Child Placing Agency may apply for Adoption Assistance in the area office serving the county from where the child was placed for adoption.

Tennessee residents who received an adoptive placement and moved out-of-state may apply for Adoption Assistance in the area office serving the county of their residence at the time of placement.

#### **2. Process**

The application is made by the adoptive parents completing the Adoption Assistance Application form.

The Application for Adoption Assistance filed after the finalization of the adoption must be denied on the basis the adoption has been finalized.

The adoptive parents may appeal the Department's denial of Adoption Assistance in accordance with the rules and procedures of the State's fair hearing and appeal process. (CR: Processing Appeals)

During the appeal process the adoptive parents are responsible for providing documentation of the child's eligibility for Adoption Assistance at the time of adoptive placement or that known information regarding child's eligibility was withheld.

**NOTE:** If the appeal decision is in favor of the child receiving Adoption Assistance, the same procedures are to be followed as in an application filed prior to finalization. (CR: Policy 15.11 Adoption Assistance Agreements Created on or After October 1, 1997)

## **XVIII. ESTABLISHING SERVICES IN ANOTHER STATE FOR FAMILIES WHO RECEIVE TENNESSEE ADOPTION ASSISTANCE**

**What:** Establish service in another state for families who receive Tennessee Adoption Assistance.

**When:** Upon receipt of a request from the adoptive family; prior to finalization or after finalization.

**Who:** Family's Case Manager

### **Steps:**

- 1. Negotiation**

Monthly payments, non-recurring expenses, payment of medical expenses, etc., will continue as agreed upon by the adoptive family and DCS.
- 2. ICPC Referral**

Indicate the child's eligibility for Title IV-E when making an Interstate placement on Form CS-0523 Interstate Compact Placement Request - Interstate Compact Report on Child's Placement Status.

Include a copy of Form CS-0460, Application for Adoption Assistance.

Complete the form for Title IV-E eligibility documentation. Interstate Services will send Form CS-0523 for Title IV-E eligibility documentation to the state office Medicaid staff upon receipt of approval by the receiving state.

When a positive placement recommendation is received through Interstate Services, confirm the placement immediately and notify the TennCare Case Manager of the placement.
- 3. Receiving State's Medicaid**

Prior to or after finalization of the adoption, provide instructions that will assist the adoptive parents in applying for the other state's Medicaid. Provide information about the local Medicaid office that will be involved, including a specific contact if possible.

**NOTE:** In all cases, the area office has the responsibility for contacting the local Medicaid office in the other state, assisting in directing the adoptive family to that agency, and ensuring they have the necessary documentation for



eligibility for Medicaid. (WA: Sample Letter Regarding Title IV-E Eligible Child Moving Out of State) When appropriate, make referrals to the state department providing social services under Social Services Block Grant (SSBG).



## **XIX. ESTABLISHING SERVICES FOR FAMILIES LIVING IN TENNESSEE WHO RECEIVE ADOPTION ASSISTANCE FROM ANOTHER STATE**

**What:** Establish services for adoptive families living in Tennessee who received a placement of the child and/or Adoption Assistance from another state.

**When:** Upon receipt of a request.

**Who:** Adoption Assistance Designee/Designated Staff

### **Steps:**

- 1. Negotiation**

Advise the adoptive family to negotiate with the other state to receive the services identified in their agreement with that state.
- 2. Services Provided by Tennessee**

Assist the family in obtaining TennCare upon their request by referring information on the child's eligibility to the TennCare Case Manager.

Refer to SSBG contract provider for any SSBG services requested. (CR: Social Services Block Grant (SSBG) Eligibility)

When non-recurring expenses are the only services in the agreement, Tennessee will be responsible for payment of these expenses. The Designee will secure necessary verification and submit for approval and payment. (CR: Determining Eligibility for Non-Recurring Adoption Expenses).

## **XX. APPROVING DEFERRED ADOPTION ASSISTANCE**

**What:** Approve Deferred Adoption Assistance for a child who has high risks of developing future medical or psychological problems.

**When:** At time of placement; prior to finalization.

**Who:** Adoption Services Case Manager/Team Coordinator/Designated Staff.

**Steps:**

**NOTE:** (Policy 15.12 Deferred Adoption Assistance)

### **1. Circumstances**

Determine a child's eligibility for Deferred Adoption Assistance when he/she does not meet the current definition of special needs, but has a high risk of developing severe medical or psychological/psychiatric problems in the future. The following risks may be considered:

- Any child whose genetic background or birth family (birth mother/birth father) medical history indicates significant potential for developing physical/psychological problems;
- A drug/alcohol exposed infant;
- A child who has a history of multiple foster/adoptive disrupted placement of 3 or more.

### **2. Documentation**

The child's case manager must obtain documentation of the potential impact of the risk factors from the physician, psychiatrist, psychologist, or licensed clinical social worker.

### **3. Services**

No non-recurring expenses or other services will be included in Deferred Adoption Assistance.

At the point the child exhibits problems related to those identified high risks, the parents may request a revision to provide services under Adoption Assistance.

The adoptive parents must provide documentation of the presenting problems. No retroactive benefits are available.

#### **4. Completion of Forms**

Form CS-0460, Application for Adoption Assistance is the only form completed for Deferred Adoption Assistance.

When a child meets the definition of special needs and is eligible for Adoption Assistance, all Adoption Assistance forms are required. (CR: Policy 15.11 Adoption Assistance Agreements Created On Or After October 1, 1997).

#### **5. Case Maintenance**

No annual renewal is required for Deferred Adoption Assistance.

Deferred Adoption Assistance must be terminated when any of the following conditions exist:

- The child reaches age 18;
- The parents are no longer legally responsible for the support of the child;
- The child is no longer receiving support from the adoptive parents;
- The adoptive parent in a one-parent family dies or both adoptive parents in a two-parent family die.

## XXI. REVISING ADOPTION ASSISTANCE

**What:** Revise Adoption Assistance benefits.

**When:** A change in circumstances is reported

**Who:** Adoption Services Family's Case Manager/Team Leader/Designated Staff

### Steps:

#### 1. Reporting

Report all adjustments on Form CS-0460, Application for Adoption Assistance, and Form CS-0461, Adoption Assistance Agreements Applied For Prior to October 1, 1997, or Form CS-0513, Adoption Assistance Agreements Created On or After October 1, 1997.

Within five working days of the reported change in circumstance, evaluate continued eligibility and for revision of benefits.

(WA: Checklist for Changing/Terminating Adoption Assistance Cases)

Determine whether appropriate to do a renewal at the time of this revision.

**NOTE:** A revision only in the Adoption Assistance Agreement does not change the renewal date.

All revisions must begin the first day of the month and end the last day of the month.

A renewal may be completed at any time during the year when doing a revision, thus changing the renewal date. All required Adoption Assistance forms must be fully completed when doing the renewal. (CR: Renewing Adoption Assistance)

Complete Part II (as appropriate) of the Form CS-0460, Application for Adoption Assistance, in all cases where either a change in the amount of service or funding of the service occurs. Complete Form CS-0461 Adoption Assistance Agreements Applied for Prior to October 1, 1997 or CS-0513 Adoption Assistance Agreements Created on or After October 1, 1997 as appropriate.

- 2. Final Decree Date**
- When the final decree of adoption is received, the Adoption Services Case Manager or designated staff will notify the TennCare Case Manager of the child's continued eligibility or the discontinuation of TennCare.
- The date of the final decree of adoption must be entered on the CS-0460 Application for Adoption Assistance, Part II at the time of the next renewal or revision.
- 3. SSI, SSA, VA Benefits**
- When the change results from SSI, SSA, or VA benefits, request a copy of the award letter and file in the Adoption Assistance case record.
- 4. Residential treatment/Hospitalization**
- When a child requires residential treatment/inpatient hospitalization, the Adoption Assistance monthly payment may continue even if the child is in state custody.
- The adoptive parents must contribute to the child's support. Child support is defined as:
- compliance with the permanency plan;
  - financial contributions to the child's support;
  - travel to and from the residential placement resource as required by the treatment and/or permanency plan;
  - participation in the treatment plan for the child as prescribed by the treating professionals;
  - providing clothing, personal items, allowance, etc. for the child;
  - providing emotional support to the child which can be documented by the treatment professionals.
- NOTE:** Amounts and types of support must be documented in the record.
- 5. Child Reaches 18th Birthday**
- Evaluate the child's eligibility for either Title IV-E or state funding based on written documentation (CR: Availability of Benefits Based on Child's Age).
- 6. Monthly Payment Rate**
- Complete a new Form CS-0460, Application

for Adoption Assistance and Form CS-0461 or CS-0513, Adoption Assistance Agreement to reflect a change in the amount of the monthly payment rate.

## 7. Approval

Upon completion of the revision, forward the following necessary documents to the Team Leader for approval:

- Adoption Assistance Application and Agreement;
- verification of school attendance if age 18;
- benefit award letter;
- report from the treatment facility.

**NOTE:** If the child is 18, is receiving Title IV-E Adoption Assistance, and does not have a physical or mental condition, continue assistance through state funding if you receive written verification of high school attendance. (CR: Policy 15.10 Adoption Assistance Agreements Created Prior to October, 1997 and Policy 15.11 Adoption Assistance Agreements Created on Or After October 1, 1997).



## Work Aid: Checklist for Changing/Terminating Adoption Assistance Cases

1. The adoption is finalized and assistance will continue under Title IV-E assistance.

☐ Yes      ☐ No

If yes, you must have identified the funding codes of Title IV-E (TANF/SSI) on Form CS-0460, Application for Adoption Assistance, when Adoption Assistance was implemented.

2. The adoption is finalized and assistance will continue under state-funded assistance.

☐ Yes      ☐ No

If yes, the child must be approved for Adoption Assistance for medical or psychological needs in order for TennCare to continue. Send copies of the Form CS-0460, Application for Adoption Assistance, and CS-0513, Adoption Assistance Agreement to the TennCare Case Manager.

3. Are SSA/VA funds available?

☐ Yes      ☐ No

If yes, are SSA/VA funds available for the adoptive family? When the adoptive family becomes payee, use new Forms CS-0460, Application for Adoption Assistance, and CS-0513, Adoption Assistance Agreement, to show the appropriate monthly payment. Obtain copies of the benefit award letter.

4. The child has his/her 18<sup>th</sup> birthday.

☐ Yes      ☐ No

If yes and this is a Title IV-E Adoption Assistance case, assistance through this funding code must stop as of the child's 18<sup>th</sup> birthday, or the child's 21<sup>st</sup> birthday if the child has a mental or physical handicapping condition. Adoption Assistance can continue under state-funded assistance if the child continues to be in high school and documentation of school attendance is provided until the child reaches age 21.

**NOTE: For Agreements Prior to October 1, 1997, the child may be attending any accredited school full time.**

5. The child has his/her 21<sup>st</sup> birthday.

☐ Yes      ☐ No

If yes, close the case using Form CS-0460, Application for Adoption Assistance.

6. The foster care board rate has changed.

☐ Yes      ☐ No

If yes and the adoptive family needs a change in the monthly payment, complete new Forms CS-0460, Application for Adoption Assistance, and CS-0513 or 0461, Adoption Assistance Agreement.

REVISION PACKET CONTENTS:

Form CS-0460, Application for Adoption Assistance  
Form CS-0513 or 0461 as appropriate, Adoption Assistance Agreement  
Statement verifying child's school attendance, if needed  
Statement documenting child's physical or mental handicap, if needed  
Benefit award letters, as needed

CLOSURE PACKET CONTENTS:

Form CS-0460, Application for Adoption Assistance.

## XXII. RENEWING ADOPTION ASSISTANCE

**What:** Ensure the correct process for the adoptive parents to renew Adoption Assistance.

**When:** Annually—begin process 45 days prior to the renewal date.

**Who:** Adoption Services Family's Case Manager/Team Leader/Team Coordinator/Designated Staff.

### **Steps:**

#### **1. First Notice**

At least 45 days prior to the renewal date, send a letter to the adoptive family reminding them of their annual reapplication for assistance and supplying them with the copy of Form CS-0459, Adoption Assistance Renewal Affidavit. Advise the family to complete the form and return it to the area office. (WA: Sample Renewal Letter.)

#### **2. Second Notice**

If the Adoption Assistance Renewal Affidavit is not received, send a second letter by certified mail at least 20 days prior to the renewal date. (WA: Sample Follow-Up Letter.)

Unless the adoptive parents can show good cause, failure by the adoptive parents to return the Adoption Assistance Renewal Affidavit will result in termination of the Adoption Assistance and the case will not be reopened.

**NOTE:** The Team Coordinator must give written approval when the Renewal is late. This is attached to the renewal packet and maintained in the record. (WA: Responsibility of Adoption Assistance Designee).

#### **3. Verifying Assistance**

Upon receipt of the adoptive family's completed Adoption Assistance Renewal Affidavit, contact the family if necessary to verify the need and amount of assistance. Verification must be obtained of the following:

- Medical/psychological/psychiatric needs when these services are being utilized;

- If the child is 18 and has state-funded assistance, continue assistance when the adoptive parents document need and verify in writing that the child is in high school. A statement from the principal of the school where the child attends is sufficient verification. **NOTE:** For Agreements prior to October 1, 1997, the child may be attending any accredited school on a full time basis;
- If the child is 18 and has Title IV-E funded assistance, continue assistance when the adoptive parents document need and verify the child has a mental or physical handicapping condition. (Verify existence of a physical or mental condition through the same reports/documents used to establish reason for assistance.);
- If the child is 18, is receiving Title IV-E Adoption Assistance, and does not have a physical or mental handicapping condition, continue assistance through state funding if written verification of school attendance is provided. (CR: Policy 15.10 Adoption Assistance Agreements Created Prior to October 1, 1997 and Policy 15.11 Adoption Assistance Agreements Created On Or After October 1, 1997)

#### 4. **Renewal Process**

Prepare Part II of Form CS-0460, Application for Adoption Assistance. Submit the Form CS-0459 Adoption Assistance Renewal Affidavit, Form CS-0460, Application for Adoption Assistance, and CS-0461 or CS-0513 (as appropriate) Adoption Assistance Agreement to the Team Leader before the renewal date.

All Adoption Assistance Renewals must begin the first day of the month and end the last day of the month of the contract period (i.e., November 1, 1993 - October 31, 1994).

**NOTE:** A renewal may be completed at any time during the year when doing a revision. However, all required Adoption Assistance forms must be fully completed. The ending date would be one year from the revision/renewal.

#### 5. **Forms Distribution**

Ensure that the Team Leader reviews,

approves/modifies, or denies renewal of the assistance. Also, ensure that the Adoption Assistance Agreement is completed and distribute copies as follows:

- Send the copies of the Agreement to the adoptive family. Obtain their signatures on all forms;
- Maintain local office copy of Adoption Assistance Renewal Affidavit, Adoption Assistance. Application, and Adoption Assistance Agreement;
- Send a copy of all forms to the Adoption Assistance Designee.

## **6. Packet Contents**

The Adoption Assistance renewal packet must contain the following:

- Form CS-0459, Adoption Assistance Renewal Affidavit;
- Form CS-0460, Application for Adoption Assistance;
- Form CS-0461 or CS-0513, Adoption Assistance Agreement;
- Statement verifying child's school attendance, if required;
- Statement verifying child's physical or mental handicapping condition, if required. (When a child is currently receiving a medical/psychological/psychiatric service, a professional statement must be provided at the time of the renewal each year documenting the ongoing need and estimate of cost for that service.).

**NOTE:** File all of the above with the most recent documentation on top.

## Work Aid: Sample Renewal Letter

The local office prepares three copies of this letter at least 45 days prior to the renewal date. Send the original to the adoptive family and keep one copy for the local office and one copy for the Adoption Assistance Designee files.

Dear \_\_\_\_\_:

On \_\_\_\_\_, it will be a year since Adoption Assistance for your son/daughter began. As you know, you must reapply annually for Adoption Assistance. Failure to reapply by \_\_\_\_\_ will cause your assistance payments to end effective \_\_\_\_\_ and your case will not be reopened.

If your situation remains the same and you wish Adoption Assistance to continue, complete all copies of the enclosed Adoption Assistance Renewal Affidavit. The renewal affidavit must be notarized and all materials sent to \_\_\_\_\_ no later than \_\_\_\_\_. We are enclosing a self-addressed envelope for you use.

After re-evaluation, if ongoing need is established, you will receive the Agreement for Adoption Assistance which, if you agree, you must sign. A copy of this agreement will be sent to you. If ongoing need is not established, you will also be notified.

Please contact us if you have any questions or want help in completing the reapplication forms.

We hope it has been a satisfying and happy year for you and your family.

Sincerely,

\_\_\_\_\_  
Case Manager

\_\_\_\_\_  
Team Leader

Enclosures: Form CS-0459, Adoption Assistance Renewal Affidavit (3 copies)

## **Work Aid: Sample Follow-Up Letter**

The local office prepares three copies of this letter and sends it by certified mail at least 20 days prior to the renewal date.

Dear \_\_\_\_\_:

This letter is to remind you that you need to reapply for Adoption Assistance for your son/daughter by \_\_\_\_\_ if you wish the assistance to continue. As stated in my letter of \_\_\_\_\_, Adoption Assistance must be renewed annually. If we do not receive your application by the above date, your assistance payments will end as of \_\_\_\_\_ and your case will be closed. For your convenience, I am enclosing another set of forms, which you must complete and return and a self-addressed envelope.

If you have any questions, please feel free to contact this office.

Sincerely,

\_\_\_\_\_  
Case Manager

\_\_\_\_\_  
Team Leader

Enclosures: Form CS-0459, Adoption Assistance Renewal Affidavit (3 copies)

### **XXIII. DENYING ADOPTION ASSISTANCE**

**What:** Deny Adoption Assistance benefits.

**When:** Any eligibility requirement is not met

**Who:** Team Coordinator

**Steps:**

**1. Circumstances**

DCS will deny Adoption Assistance benefits at the time of application when one of the following conditions exists:

- The child does not have special needs (CR: Policy 15.11 Adoption Assistance Agreements Created On Or After October 1, 1997);
- DCS cannot provide the service requested within the Adoption Assistance guidelines;
- Finalization of the adoption has occurred;
- The child was not in the custody/guardianship of DCS or a Tennessee Licensed Child Placing Agency immediately prior to placement for adoption;
- The adoptive family does not have an approved home study.

**2. Completing Form**

Complete Part III of Form CS-0460, Application for Adoption Assistance, stating specific reason for denial.

**3. Notification**

Notify the adoptive family in writing within five working days of the decision of the reason for denial and the right to appeal. (CR: Processing Appeals). A copy of the denial notification is to be filed in the Adoption Assistance Case Record.



## XXIV. TERMINATING ADOPTION ASSISTANCE

**What:** Terminate Adoption Assistance benefits when circumstances occur that create a change in eligibility

**When:** Within five working days of the change in circumstances

**Who:** Adoption Services Family's Case Manager/Team Leader/Team Coordinator/Designated Staff

### Steps:

#### 1. Evaluation

DCS must terminate Adoption Assistance benefits any time after approval when one of the following conditions exists (WA: Checklist for Changing/Terminating Adoption Assistance Cases):

- The adoptive family requests termination;
- Eligibility for the benefit ceases. (That is, the state-funded eligible child reaches age 18 and is not in high school; the Title IV-E eligible child reaches age 18 and has no physical/mental handicapping condition; or a child reaches age 21.) (CR: Availability of Benefits Based on Child's Age);
- The adoptive parents are no longer legally responsible for the support of the child or no longer contributes to the child's support; (CR: Revising Adoption Assistance)
- The adoptive parent in a one-parent family dies or both adoptive parents in a two-parent family die.  
**NOTE:** Adoption Assistance is not transferable to another family. Adoptive parents may have, in the event of their death, identified relatives to assume responsibility of the children. Adoption Assistance would only be available to the relatives if they have signed an adoption agreement, plan to adopt the child and the child meets all Adoption Assistance eligibility requirements. (CR: Determining Child's Eligibility for Adoption Assistance)
- The adoptive parents do not complete the annual renewal.

**NOTE:** If a child is in DCS custody, residential treatment, living outside the home of the adoptive parents, or over age 18 and in school, and meets the criteria for continuing to receive Adoption Assistance and the parents are continuing to contribute to the support of the child, the child may continue to receive Adoption Assistance. However, if the parents are not contributing to the support of child, DCS will discontinue Adoption Assistance. (CR: Revising Adoption Assistance)

**2. Completing Form**

Complete the first section of Part II of Form CS-0460, Application for Adoption Assistance items 1, 2, 3, and 8.

**3. Effective Date**

Adoption Assistance may be terminated at any time during the month when the child ceases to be eligible.

**4. Distribution**

In adversarial situations, submit all copies to the Team Coordinator for approval.

In non-adversarial situations, submit all copies to the Team Leader for approval.

One copy of the form is to be sent to the Adoption Assistance Designee and a copy is maintained in the Adoption Assistance case record, and one copy sent to the Child Benefits Unit.

## **XXV. REAPPLYING FOR TERMINATED BENEFITS THROUGH STATE FUNDING**

**What:** Family may reapply for State Funded Adoption Assistance.

**When:** DCS has terminated benefits

**Who:** Adoption Services Family's Case Manager/Designated Staff

### **Steps:**

#### **1. Circumstances**

A family may reapply at any time for state-funded Adoption Assistance benefits that DCS has terminated when the Department failed to initiate the annual renewal process in a timely manner.

**NOTE:** Once a Title IV-E case is closed, the case cannot be reopened as Title IV-E. It may be reopened under state funding.

#### **2. Process**

The adoptive parents must complete Form CS-0460 Application for Adoption Assistance and provide all the necessary documents. However, they may receive Adoption Assistance only for those conditions/services identified in the original application. All eligibility criteria and processes apply as in any new application for assistance.

## **XXVI. RECOVERING AN ADOPTION ASSISTANCE OVERPAYMENT**

**What:** DCS will seek repayment of any benefits received to which the adoptive parents were not entitled.

**When:** An overpayment has occurred.

**Who:** Adoption Services Family Case Manager/Fiscal Services

### **Steps:**

#### **1. Circumstances**

An overpayment may occur in any of the following situations:

- both the child's foster family and adoptive family receive a monthly payment for the same period of time;
- the adoptive family received both a foster care payment and adoption assistance payment for the child for the same period of time;
- the adoptive family receives a payment for the time period when the child is no longer their legal responsibility;
- the adoptive family receives duplicate SSA/SSI/VA benefits and a monthly payment for the same period;
- the adoptive family receives payment for an ineligible service;
- the adoptive family is no longer supporting the child;
- the child reaches the maximum age and case was not closed;
- the adoptive family failed to report a change in circumstances (child left school, marriage of child).

#### **2. Process**

The Adoption Services Case Manager will notify Fiscal Services in writing of the reason for the overpayment and the effective date.

Repayment will be made in accordance with procedures established by Fiscal Services. (CR: Policy 3.2 Overpayment Made to Adoption Assistance Parents)

## XXVII. PROCESSING APPEALS

**What:** Process appeals of decision to revise, terminate, or deny Adoption Assistance benefits.

**When:** An appeal is requested by the adoptive family.

**Who:** Adoption Services Family's Case Manager/Adoption Assistance Designee/Designated Staff

### **Steps:**

- 1. Circumstances**

Whenever DCS revises, terminates, or denies Adoption Assistance, the Adoptive parents may appeal the decision. If they appeal within ten days of the written notice from DCS, assistance continues pending appeal. If they appeal within 11-30 days, assistance does not continue pending appeal.
- 2. Contact/Written Notice**

Contact the adoptive family and discuss case revision/termination/denial, giving reasons for the decision.

Also, provide a written notice, listing all reasons for the decision.

Explain the adoptive family's right to appeal the decision.
- 3. Completing Form**

Upon the adoptive family's decision to appeal, have the adoptive family complete the form for an Appeal for Fair Hearing.

Send the original of the form to Administrative Procedures Division and a copy of the form to the following:

  - Regional Administrator/Designee;
  - Adoption Assistance case record;
  - Adoptive Family or their representative;
  - Commissioner's Office (only in cases where discrimination is at issue);
  - Area legal counsel.

Attach to each form a copy of the notice that was mailed to the adoptive family notifying them of the decision.

#### **4. Appeal Summary**

Within five working days of receiving the appeal form, prepare an Appeals Summary (WA: Appeals Summary) and distribute the copies to the following:

- Appeals Hearing Officer (original);
- Adoptive family or their representative;
- Regional Administrator/Designee;
- Commissioner's Office (only if discrimination is the issue);
- Adoption Assistance case record;
- Area legal counsel.

#### **5. Appeal Hearing**

The Appeals Hearing Officer schedules the hearing.

The adoptive family may have an attorney present. If the family is to be represented by legal counsel, the Case Manager will contact area legal counsel to request their participation/advice.

The DCS Case Manager will attend the hearing and testify giving policy/procedures which were in effect at the time of adoptive placement to support the decision to reduce, terminate, or deny Adoption Assistance benefits.

#### **6. Decision of Appeal Hearing Officer**

The hearing officer will issue an order outlining the outcome of the appeal. The adoptive parents and/or the DCS Case Manager may request a reconsideration of the decision by the appeals officer. The adoptive parents may, as a final recourse, file such in Chancery Court.

DCS will comply with the Final Order in this case.

## **Work Aid: APPEAL SUMMARY**

The appeal summary should follow this format.

### **SECTION I Identification**

1. Full Name and Address of Appellant:
2. Date:
3. County

### **SECTION II Nature of Case**

Give specific information on the nature of the case, including the date of application/requested change, when and what action was taken (denial of benefits, termination), and reason for appeal.

### **SECTION III Brief Explanation of Appellant's Present Circumstances**

Information should include when child was placed in home, whether private agency or DCS placement, date adoption finalized, and any other known information about the child's current situation.

### **SECTION IV Explanation of the Area Office's Action**

Give reason for case action. Site policy references and attach a copy of policy reference.

### **SECTION V Statement of Eligibility of Appellant on Requirements Other Than Points of Issue**



Include any other circumstances known that affect child's eligibility (e.g. Case may be denied because application was after finalization, but child may not have met definition of special need).

## SECTION VI Signatures

\_\_\_\_\_  
Case Manager or Adoption Assistance Designee

\_\_\_\_\_  
Team Leader

\_\_\_\_\_  
Team Coordinator

\_\_\_\_\_  
Regional Administrator (only in cases where discrimination is at issue)

## SECTION VII Distribution of Copies

Appeals Hearing Officer (original)

Adoptive Parents

Regional Administrator

Local Office

Commissioner's Office (only when discrimination is at issue)

DCS Area Legal Counsel

## **XXVIII.COMPLETING ANNUAL REPORT**

**What:** Complete the Annual Report.

**When:** By July 30 of each year

**Who:** Adoption Assistance Designee

### **Steps:**

#### **1. Completion**

Complete the Annual Report, including information on new cases implemented during the fiscal year (July 1 to June 30). The report must include the following:

- WA: Children Placed for Adoption Assistance by Age, Race, County, and Region;
- WA: Regional Summary of Children Placed for Adoption Assistance by Age, Race, and Type of Assistance;
- WA: Regional Summary, Funding Source of Adoption Assistance Cases Initiated During the Fiscal Year;
- WA: Deferred Adoption Assistance Regional Summary.

#### **2. Submitting Report**

Submit the report to the Adoption Assistance Program Specialist in Central Office.

## **Work Aid: Responsibilities of Adoption Assistance Designee**

- Reviews all Adoption Assistance approvals, revisions, renewals and closures for accuracy.
- Reviews the turnaround document to update, verify and authorize approved Adoption Assistance cases and monthly payments.
- Reviews all invoices to ensure that the service billed is authorized in the Adoption Assistance Agreement and within the stipulated contractual amount.
- Ensures that the written approval signed by the Team Coordinator is attached to the Application and Agreement when a renewal/revision is late. This approval is needed to cover any lapse of time between the renewal/revision date and the effective date on the Adoption Assistance Agreement. With this approval, the Adoption Assistance Designee will put the appropriate “effective date” on the turnaround document. A copy of the Team Coordinator’s approval must become a part of both the area office and regional Adoption Assistance file.
- Maintains Adoption Assistance packets containing all appropriate forms, documentation of needs, estimates of cost, written approvals (when applicable).
- Prepares and submits forms to Fiscal Services Section.
- Completes the annual report.

## **FINALIZING THE ADOPTION**

### **Introduction**

DCS has the responsibility to ensure that the permanency goal of adoption has been achieved for a child and family. In preparing for finalization of the adoption, the following services must be provided:

- consent to file the adoption petition;
- respond to the receipt of an adoption petition/order of reference;
- assist in the issuance of a new birth certificate by adoption by the Office of Vital Records, Department of Health;
- prepare the record for permanent filing.

### **Legal Base**

TCA 36-1-101—36-1-141

### **Procedures**

I.	Granting Permission to File the Adoption Petition	3
II.	Responding to the Receipt of an Adoption Petition/ Order Of Reference	4
	Work Aid: Cover Letter	
III.	Providing for the Issuance of a New Birth Certificate by Adoption	8
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XI. Providing Services When Petitioners in Another State  
Move to Tennessee

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**Forms**

- CS-0443 Acknowledgement of Receipt of Adoption Petition
- CS-0446 Confidential Court Report
  - Supplemental Confidential Court Report
  - Consent to Adoption
  - Application for a New Certificate of Birth by Adoption
- CS-0407 Application For Report Of Foreign Birth For Adopted Child
- CS-0424 Closed Adoption Record Face Sheet
- CS-0422 Mailing and Acknowledgement Case Records, Records Material & Forms
- CS-0452 Closed Adoption Record Form Letter
- CS-0408 Form Letter for Transmitting Certificate of Adoption
- CS-0409 Form Letter for Application for a Report of a Foreign Birth of an Adopted Child

## **I. GRANTING PERMISSION TO FILE THE ADOPTION PETITION**

**What:** Grant permission to file the Adoption Petition

**When:** DCS and the adoptive parents agree on the time for filing the adoption petition

**Who:** Adoption Services Case Manager or Designated Staff and Team Leader

**NOTE:** DCS must consent to the adoption and prepare children 14 and older to consent to their adoption. (CR: Policy 15.1 Adoptive Placement Considerations)

### **Steps:**

#### **1. Permission**

When the DCS Case Manager and Team Leader determine it is appropriate and all requirements have been met, permission may be given to the adoptive parents for filing the adoption petition. Make the decision with the adoptive parents and the child if he/she is old enough.

#### **2. Putative Father Registry**

Ensure that the Putative Father Registry is cleared 3 days prior to the filing of the petition. (CR: Policy 15.4 Clearing the Putative Father Registry)

#### **3. Legal Information**

Share the following restricted information in writing with the petitioner's attorney:

- the date DCS placed the child in the physical custody of the petitioners;
- child's birth date and birthplace;
- adoptive parents' name for the child;
- any property owned by the child;
- date of termination of parental rights.

## **II. RESPONDING TO THE RECEIPT OF AN ADOPTION PETITION/ORDER OF REFERENCE**

**What:** Respond to the receipt of an Adoption Petition/Order Of Reference

**When:** Within 60 days from receipt of the Adoption Petition and/or Order of Reference

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps :**

1. **Acknowledge Receipt of Adoption Petition**

Complete Form CS-0443, Acknowledgement of Receipt of Adoption Petition.
2. **Confidential Court Report Supplemental Court Reports**

Prepare Confidential Court Report, Form CS-0446, for reporting to the Circuit or Chancery Courts on petitions filed for the adoption of children in DCS guardianship or in the guardianship of a licensed child-placing agency and placed in an adoptive home approved by DCS.

Prepare Supplemental Confidential Court Report form to report any additional information you receive after submitting the preliminary court report and prior to finalization.

**NOTE:** The child must have been in the home of the petitioners at least six months before entering the final order of adoption. See TCA 36-1-119.
3. **Submitting Required Documents**

Gather the following documents and place n a sealed envelope:

  - Confidential court report;
  - copy of Adoptive home Study through approval with updates of study to current within 6 months;
  - Consent to Adoption;
  - certified copy of the child's original birth certificate;

- original final order of guardianship, certified;
- putative father registry clearances—two required, one within three days of the filing of the termination of parental rights; one three days prior to filing of the adoption petition;
- surrenders, including Medical/Social Background History;
- death certificates of birth parents, if applicable;
- certified orders of legitimation, if applicable;
- waiver of interest by alleged father, and
- orders terminating parental rights, certified copies;

The following information is typed on the outside of the envelope:

- child's adoptive name;
- date of birth;
- petitioner's name;
- docket/rule number;
- attorney's name.

Complete form, Department of Health Certificate of Adoption, Form PH-1248. (CR: Providing for the Issuance of a New Birth Certificate by Adoption, Finalizing the Adoption). Place in a sealed envelope prepared as above.

Prepare the cover letter, Form Letter for



Transmitting the Certificate of Adoption, Form CS-0408. Prepare envelope as above. Fold the cover letter around the outside of the birth certificate envelope and place in a larger envelope along with envelope containing the required documents (listed above) and submit to the Court Clerk. (If mailed to the court clerk, submit by certified or registered mail, receipt requested.) Send a copy of the cover letter to the attorney. (WA: Cover Letter).

**4. Duplicate**

Keep a duplicate of the confidential court report, all required documents, and all correspondence in the case record.

**5. Attendance**

Attend the hearing(s) only as an observer; do not participate unless directed by the judge or legal counsel representing DCS.

**NOTE:** After the court hearing and the granting of the adoption petition, consider the case record sealed; do not share any further information.

## **Work Aid: Cover Letter**

Court Clerk Name, Title

Address

City, State Zip

Re: Petition of (Adoptive Parents to Adopt [use name of child as it appears on the  
Petition to Adopt]

Docket Number:

Dear \_\_\_\_\_:

The Department is submitting its confidential report to the court on the above-styled adoption matter. This report is complete and will be used by the judge at the hearing.

Sincerely,

Name

Case Manager

### **III. PROVIDING FOR THE ISSUANCE OF A NEW BIRTH CERTIFICATE BY ADOPTION**

**What:** DCS must report information to the court to request a new birth certificate by adoption

**When:** At the filing of the court report

**Who:** Adoption Services Case Manager or Designated Staff

#### **Steps:**

**1. Certificate of Birth by Adoption** Complete Form Department of Health Certificate of Adoption, Form PH-1248. Complete Part I and have the adoptive parents sign. In order to protect confidentiality of the child's birth information, Part II should be completed after the adoptive parents have signed Part I.

Submit the form with Form Letter for Transmitting the Certificate of Adoption, Form CS-0408 with the final report to the court. The court's clerk will complete Part III and Part IV and submit with the form in a sealed envelope and the adoptive parents' check to the Office of Vital Records, Department of Health.

**2. Report of Foreign Birth** Complete Application for a Report of a Foreign Birth of an Adopted Child, Form CS-0407.

Submit the form with Form Letter for Application for a Report of a Foreign Birth of an Adopted Child, Form CS-0409 with the final report to the court. The court's clerk will submit the form in a sealed envelope and the adoptive parents' check to the Office of Vital Records, Department of Health.

**3. Distribution** File the original Department of Health Certificate by Adoption form and form letter in a sealed envelope. Send it to the court clerk. Keep a copy in the file.

**NOTE:** DCS is not responsible for receiving or collecting the adoptive parents' money for the

fee for the new birth certificate in the child's adoptive name. They and their attorney must handle this.

#### **IV. FORWARDING BIRTH/LEGAL PARENT LETTERS**

**What:** Forward birth/legal parent and relatives' correspondence to the Post Adoption Services in Central Office

**When:** Upon receipt of any correspondence from birth/legal parents or relatives

**Who:** Adoption Services Case Manager or Designated Staff

**Steps :**

**1. Birth/Legal Parent/  
Relative Letters**

Any correspondence received prior to the finalization of an adoption should be maintained in the adoptive record and forwarded for permanent filing.

After finalization, any correspondence received should be forwarded to the Post Adoption Services, Central Office.

**2. Interoffice Correspondence**

Use Interoffice Correspondence to send letters to the Post Adoption Services. Specify the child's adoptive name, adoptive parents' names, and DPW/DHS/DCS code number if available.

## **V. REPORTING FINALIZATION OF THE ADOPTION**

**What:** Report finalization of the adoption

**When:** At the time the record is submitted for sealing

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps :**

#### **1. Information System**

Update TN KIDS and REACT on both the child and family to reflect closure of the case at the point the final decree is entered. (CR: Policy 15.05 Registering and Maintaining Status of Children with REACT and Policy 15.06 Registering and Maintaining Status of Adoptive Parent(s) with REACT)

## **VI. PREPARING THE RECORD FOR PERMANENT FILING**

**What:** Prepare the closed adoptive record for permanent filing with Adoption Services, Central Office

**When:** Within three months of the finalization of the adoption

**Who:** Adoption Services Case Manager/Designated Staff/Team Leader

**NOTE:** Organize and submit the closed adoption record for permanent filing when:

- DCS child placed with DCS family;
- DCS child placed with out-of-state agency;
- Interstate placement when adoption is finalized in Tennessee;
- DCS has conducted a home study in an independent adoption.

### **Steps:**

#### **1. DCS Child Placed With DCS Family/DCS Has Conducted Independent Home Study**

Organize - After finalization of the adoption and upon receipt of the final order of adoption, organize the closed record for mailing according to the instructions on Closed Adoption Record Face Sheet, Form CS-0424.

Review - Submit the closed record to the Team Leader/designated staff for review. Staple or secure each section of the record. Label each section according to the Closed Adoption Record Face Sheet.

Submit - Submit the organized record to Adoption Services, Central Office for permanent filing.

**NOTE:** The area office will keep any forms not identified on the Closed Adoption Record Face Sheet, Form CS-0424, but that have been prepared during the period of service in a given case record until the copy of Mailing and Acknowledgment Case Records, Record Material and Forms, Form CS-0422, has been acknowledged by Adoption Services, Central Office. The Team Leader/designated staff will then destroy (or request the destruction of) all forms related to the particular case, including

the folder, by burning or shredding them. Keep a copy of the adoptive home study through approval for three years.

**2. DCS Child Placed with Out-of-State Agency**

**Organize** - After finalization of the adoption and upon receipt of the final order of adoption, organize the closed record for mailing according to the instructions on Closed Adoption Record Face Sheet form.

**Review** - Submit the closed record to the Team Leader/designated staff for review. Staple or secure each section of the record. Label each section according to the Closed Adoption Record Face Sheet.

**Submit** - Submit the organized record to Adoption Services, Central Office for permanent filing.

**NOTE:** The area office will keep any forms not identified on Form, Mailing and Acknowledgment Case Records, Record Material and Forms, but that have been prepared during the period of service in a given case until the copy of Form, Mailing and Acknowledgment Case Records, Record Material and Forms has been acknowledged by Adoption Services, Central Office. The Team Leader/designated staff will then destroy (or request the destruction of) all forms related to the particular case, including the folder, by shredding them.

**3. Interstate Placement When Adoption is Finalized in Tennessee**

**Organize** - After finalization of the adoption and upon receipt of the final order of adoption, organize the closed record for mailing according to the instructions on Closed Adoption Record Face Sheet form.

**4. DCS Child Placed with Other Licensed Child-Placing Agency (LCPA) When the LCPA Has Provided Placement/Post Placement Services**

Upon receipt of notice that the final order of adoption has been entered, submit the closed adoption record to the private/public child-placing agency for permanent filing. It is their responsibility to organize and submit the closed adoption record for permanent filing.



Acknowledgment of receipt of the records from the agency should be maintained.

## **VII. NOTIFYING THE COURT OF CLOSING AN ADOPTION RECORD**

**What:** Notify the court of closing an adoption record

**When:** A petition is pending beyond two years time limit

**Who:** Adoption Services Case Manager or Designated Staff

**Note:** The adoption law requires that adoption proceedings be completed or dismissed within two years of filing the petition unless one of the following conditions exists:

- The petitioner can show good cause why the final order should not be entered.
- An appeal is taken from an order of the court, in which case the court must enter a final order granting or dismissing the adoption within one year from the final judgment of the appeal.

### **Steps :**

- 1. Court Record**

Review the court record to determine whether or not the court has requested a final order. If the court has not requested a final order, continue with the following procedures.
- 2. Closed Adoption Record Form Letter**

Prepare DCS Closed Adoption Record Form Letter, Form CS-0452, to report to the judge.

Report that the DCS office will close and forward the adoption record to Adoption Services, Central Office for sealing unless DCS receives further orders from the court within 30 days.
- 3. Forwarding**

If a court order has not been received by the end of 30 days, organize the case record and send it to Adoption Services, Central Office.  
(CR: Sealing the Adoption Record)

**NOTE:** DCS has no statutory responsibility for initiating action to complete or dismiss an adoption proceeding when the petition exceeds the two years. The petitioner's attorney and the court must initiate this action. Some courts grant the adoption even though the petition has been pending longer than two years.

## **VIII. MAINTAINING ADOPTION CONTROL**

**What:** Enter information pertaining to an adoption petition in the adoption controls listing.

**When:** Within 15 days of receipt of the adoption petition.

**Who:** Team Leader or Designated Staff

### **Steps:**

#### **1. Documentation**

Complete information regarding the adoption petition for the adoption controls listing, which is maintained in the region and/or area offices. Include the dates of the following activities:

- The child was placed in the home;
- The prospective adoptive parents filed the petition;
- The area office received the adoption petition;
- The area office received the order of reference;
- Confidential court report submitted;
- Supplemental report submitted (if needed);
- The court issued the final decree;
- DCS forwarded the closed record and adoption case card through the Team Leader/designated staff to Adoption Services, Central Offices.

#### **2. Updating/Posting**

Update information for the adoption controls listing regularly. Note activities performed.

## **IX. PROVIDING SERVICES TO THE PROSPECTIVE ADOPTIVE PARENT**

**What:** Provide services in the county where the prospective adoptive parents live

**When:** The petitioners/prospective adoptive parents do not live in the county where the petition is filed

**Who:** Adoption Services Case Manager/Designated Staff who is providing services to the child

**NOTE:** Adoptive parents may file their adoption petition:

- where the petitioners reside;
- where the child resides;
- where the child resided when the child entered foster care (county of venue);
- in which is located any licensed child placing agency or institution operated under the laws of this state having custody or guardianship of the child or to which the child has been surrendered.

### **Steps:**

- |  |   |
|--|---|
| <b>1. Adoption Control</b>   | Set up the case record and adoption control system, as appropriate.   |
| <b>2. Birth Verification</b>                                       | <p>If birth verification has not been previously obtained, submit Form CS-0456 - In State Certification/Verification of Birth or Death or Form CS-0528 - Out of State Certification/Verification of Birth, Death, Marriage, or Divorce to obtain this verification.</p> <p><b>NOTE:</b> Out of State verifications of birth, death, marriage or divorce must be submitted through DCS Fiscal Services with a copy of the court order awarding custody to DCS.</p> |
| <b>3. Responsibility</b>   | The area office that provides services to the child will be responsible for completing all confidential court reports, Consent to Adopt, and submitting certified copy of guardianship order and supplemental documents to the court.   |
| <b>4. Receipt of Adoption Petition in county other than county</b> | The Team Leader will acknowledge receipt of the petition to the court. The petition   |

**of adoptive parent's residence**

and order of reference will be forwarded to the adoption service staff in the area office providing services to the child.

**5. Birth Certificate**

(CR: Providing For the Issuance of a New Birth Certificate By Adoption)

**6. Court Reports**

(CR: Responding to the Receipt of an Adoption Petition/Order of Reference)

**7. Final Decrees**

The Team Leader receiving the final decree sends it to the area office providing services to the child to send to Adoption Services, Central Office at the time of submitting the record for permanent sealing.

**8. Service Information System**

Update TN KIDS and REACT. (CR: Policy 15.05 Registering and Maintaining Status of Children with REACT and Policy 15.06 Registering and Maintaining Status of Adoptive Parent(s) with REACT)

**9. Sealing**

Organize the case record for permanent filing. (CR: Preparing the Record for Permanent Filing)

## **X. PROVIDING SERVICES WHEN PETITIONERS IN TENNESSEE MOVE TO ANOTHER STATE**

**What:** Provide services when petitioners in Tennessee move to another state

**When:** After a petition to adopt has been filed and the family moves to another state

**Who:** Adoption Services Case Manager/Team Leader/Designated Staff

### **Steps**

- 1. Adoption Case Control** Set up adoption control system.  
(CR: Maintaining Adoption Control)
- 2. Birth Verification** If birth verification has not been previously obtained, submit Form CS-0456 - In State Certification/Verification of Birth or Death or Form CS-0528 - Out of State Certification/Verification of Birth, Death, Marriage, or Divorce to obtain this verification.  
**NOTE:** Out of State verifications of birth, death, marriage or divorce must be submitted through DCS Fiscal Services with a copy of the court order awarding custody to DCS.
- 3. Referral** Immediately initiate a referral to the agency in the other state through the Team Leader/designated staff. (CR: Interstate Compact on Placement of Children)  
  
Send four copies of Form PH-1248, Department of Health Certificate of Adoption to the receiving state via Interstate Compact.
- 4. Final Court Report/ Consent to Adopt** Prepare two copies of the final court report.  
  
Obtain the Team Leader's/designated staff's approval of the report.  
  
Send the original of the Court Report and Consent to Adoption to the court clerk. (CR: Responding to the Receipt of an Adoption Petition/Order of Reference)  
  
Maintain one copy of each in the case record.

Notify petitioner's attorney that the report has been submitted.

**NOTE:** If this is a DCS child, DCS will need to consent to the adoption by completing Consent to Adoption.

**5. Court Hearings**

Attend the court hearings as an observer only. Do not participate in the hearing unless directed to do so by the judge, except when legal counsel represents DCS.

**6. Continuing Service**

Inform the agency in the other state of the court's action via ICPC 100B Interstate Compact Placement Request-Interstate Compact Report on Child's Placement Status. Suggest a plan for continued supervisory service if needed.

**7. Form Department of Health Certificate of Adoption 1248**

(CR: Providing for the Issuance of a New Birth Certificate by Adoption)

**8. Service Information System**

Update TN KIDS and REACT. (CR: Policy 15.05 Registering and Maintaining Status of Children with REACT and Policy 15.06 Registering and Maintaining Status of Adoptive Parent(s) with REACT)

**9. Closure of ICPC**

The Team Leader/designated staff sends to the ICPC four copies of the following:

- final court report;
- final decree;
- consent to adopt;
- adoption assistance or deferred adoption assistance forms, if applicable.

**10. Case Sealing**

Organize the case record for permanent filing (CR: Preparing the Record for Permanent Filing).

## **XI. PROVIDING SERVICES WHEN PETITIONERS IN ANOTHER STATE FILE PETITION IN TENNESSEE**

**What:** Provide services when petitioners in another state file an adoption petition in Tennessee

**When:** As necessary

**Who:** Adoption Services Case Manager/Team Leader/Designated Staff

### **Steps:**

- 1. Adoption Control**

Set up adoption control system.  
(CR: Maintaining Adoption Control)
- 2. Acknowledge Receipt of Petition**

Complete Acknowledgement of Receipt of Adoption Petition, Form CS-0443, a copy of the petition, and three copies of a letter outlining full information regarding the circumstances of filing the petition in Tennessee to the Team Leader. The Team Leader will then send two copies of the letter and the petition to the area legal staff.
- 3. Dismissal**

When the court orders a dismissal of the petition, organize and forward the case record through the Team Leader to the Adoption Services Director, Central Office.

**NOTE:** If the court does not dismiss the petition, (CR: Providing Services When Petitioners in Tennessee Move to Another State).



## **INDEPENDENT ADOPTIONS**

### **Introduction**

An independent adoption (or private adoption) is one in which a birth/legal parent places a child directly in the care of prospective adoptive parents (stepparents, relatives, or non-related individuals) without the prior involvement of a social service agency.

DCS provides independent adoption services for children whose adoptive parents are indigent as determined by the court based on federal poverty guidelines.

DCS strives to provide birth/legal parents with adoption services in order to avoid unnecessary separation and to ensure that the parents have made the best decision. DCS provides services in the following situations:

- for individuals considering independent adoption;
- after filing of a surrender and/or adoption petition and after DCS's receipt of an order of reference.

DCS offers information services to any birth/legal parent or prospective adoptive parent considering an independent placement. These services are prior to the birth/legal parents' surrender and the adoptive parents' filing of an adoption petition.

The court may waive the order of reference and court reporting, if the prospective adoptive parent is the child's grandparent of any degree, aunts, uncles, or any degree of great-aunt or great uncle, stepparent, or cousins of the first degree. When the child to be adopted is not in DCS's legal custody and the prospective adoptive parents are not indigent, the court and DCS may refer such adoptions to a licensed child-placing agency or a licensed clinical social worker as defined by the adoption statute (TCA §36-1-102) for an investigation.

The law requires DCS to report to the court on all independent surrenders and petitions on orders of reference that concern the placement of children who are in the legal custody of DCS, or when the prospective adoptive parents are indigent as determined by federal poverty guidelines. DCS must receive surrenders and petitions for which an order of reference has been received. The report preserves information and certifies to the court the appropriateness of the family for adoption.

### **Legal Base**

36-1-101 through 36-1-141

### **Procedures**

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V.	Finalizing the Adoption	23

## **I. PROVIDING INFORMATION SERVICES TO INDIVIDUALS CONSIDERING INDEPENDENT ADOPTIONS**

**What:** DCS provides information services to any birth/legal parent or prospective adoptive parent considering an independent placement

**When:** Upon receipt of request for service

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps**

#### **1. Birth/Legal Parents**

Help the birth/legal parents consider what is in the best interest of the child and themselves, provided the following conditions exist:

- The parents have already placed the child in the physical custody of the prospective adoptive parents but have not filed a surrender;
- The adoptive parent(s) have not filed an adoption petition.

#### **2. Adoptive Parents**

Explain the availability and use of the following DCS and community resources:

- DCS agency adoption services;
- DCS completion of an independent adoptive study only if the adoptive parent(s) are indigent;
- resources available to conduct an independent adoptive study if the family is not indigent;
- refer to licensed child placing agencies or licensed clinical social workers who conduct home studies in their area.

## **II. Establishing a Case Record**

**What:** Establish a case record in the area office

**When:** Upon request of the adoptive parent(s) who are found to be indigent or upon receipt of an order of reference

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps**

#### **1. Adoptive Parent Request**

Determine whether the adoptive parent(s) are indigent based on federal poverty guidelines. (WA: Federal Poverty Guidelines)

If the adoptive parent(s) are determined indigent:

- Establish a case record;
- Conduct the home study;
- Report to the court;
- Maintain adoption control. (CR: Maintaining Adoption Control)

If the adoptive parent(s) are not determined indigent:

- Refer the adoptive parent(s) to their attorney;
- Refer the adoptive parent(s) to licensed child placing agencies or licensed clinical social workers in their area. (A list of such agencies and licensed clinical social workers is available through DCS licensing unit in Central Office.)

**NOTE:** Licensed clinical social workers must also be licensed by DCS as licensed to conduct adoptive home studies.

#### **2. Order of Reference**

(CR: Responding to Receipt of an Adoption

Petition/or Order of Reference.) Review the Order of Reference to determine the court's finding of indigence of the prospective adoptive parent(s).

If the adoptive parent(s) are determined to be indigent:

- Establish a case record;
- Conduct the home study;
- Report to the court;
- Maintain adoption control.  
(CR: Maintaining Adoption Control)

**NOTE:** DCS does not consent to the adoption of the child unless DCS holds full or partial guardianship.

If the adoptive parent(s) are not determined indigent:

- Consult with Regional legal staff and ask that a motion be filed to dismiss the Order of Reference;
- Advise the adoptive parent(s) to contact their attorney;
- Refer to licensed child placing agencies or licensed clinical social workers in their area.

### 3. Case Record

Establish the case record for a preliminary home study in the name of the adoptive parent(s) when the child has not been identified or if the child has been identified and has not yet been placed in the home.

Establish the case record in the adopted name of the child in all other situations.

**Work Aid: 2003 FEDERAL POVERTY GUIDELINES**

Size of Family Unit	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$ 8,980	\$11,210	\$10,330
2	12,120	15,140	13,940
3	15,260	19,070	17,550
4	18,400	23,000	21,160
5	21,540	26,930	24,770
6	24,680	30,860	28,380
7	27,820	34,790	31,990
8	30,960	38,720	35,600
For each additional person, add	3,140	3,930	3,610

### **III. Conducting a Preliminary Home Study**

**What:** A preliminary home study must be conducted on any person who wishes to become a prospective adoptive parent with DCS, who wishes to adopt independently, or for purposes of approving a surrender of parental rights

**When:** Prior to or immediately after the placement of a child with prospective adoptive parents

**Who:** Adoption Services Case Manager or Designated Staff

#### **Steps**

**NOTE:** A preliminary home study is an initial home study conducted prior to or, in limited situations, immediately after the placement of a child with prospective adoptive parents who have not previously been subject to a home study which was conducted or updated not less than 6 months prior to the date of the surrender or adoption petition.

- 1. Requirements**

DCS applicants will be required to attend all adoptive parent preparation classes.  
(CR: Conducting Adoption Preparation Training)

For purposes of independent placements and approval of surrenders, requirements for individual assessments will be followed.  
(CR: Conducting Individual Home Study)
- 2. Establish Case Record**

(CR: Establishing the Adoptive Home Record)
- 3. Narrative**

Prepare a narrative for the case record if any of the following conditions exist:

  - Questions exist about the suitability of a home;
  - Adoption by a particular family may not be in the child's best interest;
  - A contested adoption occurs.

When a narrative is not necessary, maintain a chronological list of all contacts concerning the case.
- 4. Case Disposition**

The home study must be completed within 6

months of the request for service.

## **5. Continuing Contacts**

Update the circumstances of the family every 6 months. The preliminary home study must be completed or updated within 30 days of the following:

- The date the surrender is accepted;
- The parental consent is executed or confirmed;
- The guardianship order is entered;
- The filing of the petition.

## **6. Reporting to Court**

Follow the outline for a narrative court report.  
(WA: Court Report Outlines)



## Work Aid: COURT REPORT OUTLINES

### PREFACE:

Court reports are identified by the following designations:

- I. **Surrender Court Reports** - will be filed when there is a question about the suitability of a placement and upon receipt of an Order of Reference from the Court.
- II. **Confidential Court Report** - must be submitted within sixty (60) days of the filing of the adoptive petition. The suggested outline includes information secured in relation to the surrender and the petition.

When the report cannot contain full basic information, what is available will be submitted in a brief report in which will be set out:

- a. What additional information is needed.
  - b. What steps are being, or will be, taken to secure the information.
  - c. The approximate length of time before the report can be presented for the court's consideration.
- III. **Supplemental Court Report** - may be submitted when changes occur of which the court should have knowledge and must be submitted immediately when information is received and verified that the adoption may not be in the child's best interest.

**Work Aid: OUTLINE FOR INDEPENDENT SURRENDER COURT REPORTS**

(Use legal size paper)

CONFIDENTIAL \_\_\_\_\_ COURT REPORT

TO THE HONORABLE \_\_\_\_\_, JUDGE OF

THE CIRCUIT COURT (or Chancellor of the Chancery Court)

for \_\_\_\_\_ County.

**I.**

**IDENTIFYING INFORMATION**

<b><u>The Surrender of:</u></b>	<b><u>Birth Date</u></b>	<b><u>Race</u></b>	<b><u>Sex</u></b>	<b><u>Relationship</u></b>
---------------------------------	--------------------------	--------------------	-------------------	----------------------------

John Franklin Doe	1/16/43	W	M	Father
Mary Ann Baker Doe	2/08/41	W	F	Mother
169 Wharf Avenue				
Bishop, TN 37200				

**Child:**

Child's Birth Name	4/10/78	W	F	Daughter
(Child's Adoptive Name)				

**Surrendered to:**

John Henry Stone	2/10/36	W	M	None
Betty Sue Stone	5/08/40	W	F	None
820 Creekbed				
Meneese, TN 37200				

<b><u>Date of Surrender</u></b>	<b><u>Date Received in Area Office</u></b>	<b><u>Name of Attorney</u></b>
4/15/78	4/20/78	Gordon & Long

## **II.**

### **SOURCES OF INFORMATION**

The Department, in investigating the conditions of the child and the suitability of the prospective adoptive home, has obtained information through interviews with them and others whose names the family(s) has given as references:

- Home visits with dates. (This refers to visits in the home of prospective adoptive parent/parents.)
- Office visits. (This refers to visits made to Office by prospective adoptive parent/parents.)
- Reference visits. (This refers to any and all collateral contacts made in the investigation process.)
- Examinations by recognized pediatrician.
- Evaluations and/or tests made by psychologist.

(Date of all contacts should be included.)

## **III.**

### **INFORMATION REGARDING THE CHILD**

Give information regarding the child's birth, in hospital, at home, etc. Health and medical care in adoptive home. Adjustments in the home and among all members of the family.

## **IV.**

### **INFORMATION REGARDING CHILD'S ANTECEDENTS**

Summarize information regarding the child's family from background information provided by the court.

## V.

### **PROSPECTIVE ADOPTIVE FAMILY**

Give marital history, including date and place of marriage, previous marriages, and how terminated, when terminated by divorce, and what were the grounds. Husband's full name, race, and date and place of birth. Present address. Description of early childhood and family life, background, education, present occupation, and religion or church affiliation.

Give same information for wife, including maiden name.

Courtship and marriage: Indications of compatibility and stability in present relationship.

Reason for desiring a child by adoption: Give reasons as stated by both husband and wife. You may want to make some comment from your own observations.

Attitude toward child: Attitude toward and affection for child, how expressed or manifested. Ideas on child training. Adjustment to child in the home during the preadoption period.

Financial situation: Statement regarding financial security now and in the future. Wages and income, including savings and investments, insurance, property, mortgages, and indebtedness.

Home: Brief description and impressions of suitability.

## VI.

### **REFERENCES**

Qualifying statement concerning references and their evaluation of the petitioners as prospective adoptive parents. Frequency and intimacy of the association with petitioners.

## VII.

### **VERIFICATIONS**

It is important that certain facts gathered during the study be verified conclusively. In cases where there have been previous marriages, these should be verified; and subsequent divorces also should be verified. When children are involved, conditions of custody, support, and issues of divorce. Present marriage must be verified.

Verification of child's birth.

Criminal records must be checked and fingerprinting requirements met.

If the family has previously adopted a child, this adoption status should be verified.

Medical reports of recent examinations (within a year) will verify health status.

Any other information pertinent to the family group which indicates that it should be verified should be considered, such as residence, citizenship, etc.

## **VIII.**

### **DEPARTMENT'S EVALUATION**

In conclusion, the Department of Children's Services, through its authorized representative, has investigated the conditions and antecedents of the child to determine his/her adoptability and the suitability of the prospective adoptive home and find them as suitable for adoptive parents, and now reports our findings for your review and consideration in relation to this matter.

Then give statement why placement appears sound and for the best interests of the child or, if otherwise, why.

If it is indicated that placement is detrimental for the child and should be set aside, etc., it is advisable that a statement of the agency's plan for the child's continued care be included here and indication of whether the Department will intervene in this matter.

If this proposed adoption involves an interstate placement, provide a statement about whether or not there has been Interstate Compact on Placement of Children Compliance.

### **SIGNING THE REPORT**

Respectfully submitted,

(Name)  
Case Manager

(Name)  
Team Leader

## Work Aid: OUTLINE FOR COURT REPORT

(Use Legal Size Paper)

Format:

CONFIDENTIAL \_\_\_\_\_ COURT REPORT TO  
THE HONORABLE \_\_\_\_\_ JUDGE OF THE CIRCUIT COURT  
(OR CHANCELLOR OF THE CHANCERY COURT) FOR \_\_\_\_\_ COUNTY.

### I.

#### IDENTIFYING INFORMATION

<u>The Petition of:</u>	<u>Birth Date</u>	<u>Race</u>	<u>Sex</u>	<u>Relationship</u>
John Henry Stone	2/10/36	W	M	None
Betty Sue Stone	5/08/40	W	F	None
820 Creekbed Meneese, TN 37200				

#### To Adopt:

Child's Birth Name (Child's Adoptive Name)	4/10/41	W	F	None
---	---------	---	---	------

#### Surrendering Parents:

John Franklin Doe	1/16/43	W	M	Birth father
Mary Ann Baker Doe				
169 Wharf Avenue Bishop, TN 37200				

---

<u>Date Petition Filed</u>	<u>Rule Number</u>	<u>Date Received in Area Office</u>	<u>Name of Attorney</u>
7/15/78	1223	7/19/78	Gordon & Long

<u>Date of Surrender</u>	<u>Date Received in Area Office</u>	<u>Name of Attorney</u>
4/15/78	4/20/78	Gordon & Long

## II.

### **SOURCES OF INFORMATION**

The Department, in investigating the conditions and antecedents of the child and the suitability of the petitioner's home, has obtained information through interviews with them and others whose names the petitioners gave as references:

- Home visits with dates. (This refers to visits in the home of petitioners.)
- Office visits. (This refers to visits made to office by petitioners.)
- Reference visits. (This refers to any and all collateral contacts made in the investigation process.)
- Examinations by recognized pediatrician.
- Evaluations and/or tests made by psychologist.

(Date of all contacts should be included.)

## III.

### **INFORMATION REGARDING THE CHILD**

Give information regarding the child's birth, in hospital, at home, etc. Health and medical care in adoptive home. Adjustments in the home and among all members of the family.

## IV.

### **INFORMATION REGARDING CHILD'S ANTECEDENTS**

Summarize information regarding the child's family from background information provided by the court.

## V.

### **PETITIONER'S FAMILY**

Give marital history, including date and place of marriage, previous marriages, and how terminated, when terminated by divorce, and what were the grounds. Husband's full name, race, and date and place of birth. Present address. Description of early childhood and family life, background, education, present occupation, and religion or church affiliation.

Give same information for wife, including maiden name.

Courtship and marriage: Indications of compatibility and stability in present relationship.

Reason for desiring a child by adoption: Attitude toward and affection for child, how expressed or manifested. Ideas on child training. Adjustment to child in the home during the preadoption period.

Financial situation: Statement regarding financial security now and in the future. Wages and income, including savings and investments, insurance, property, mortgages, and indebtedness.

Home: Brief description and impressions of suitability.

## **VI.**

### **REFERENCES**

Qualifying statement concerning references and their evaluation of the petitioners as prospective parents. Frequency and intimacy of the association with petitioners.

## **VII.**

### **VERIFICATIONS**

It is important that certain facts gathered during the study be verified conclusively. In cases where there have been previous marriages, these should be verified; and subsequent divorces also should be verified. When children are involved, conditions of custody, support, and issues of divorce, present marriage must be verified.

Verification of child's birth.

Criminal records must be checked and fingerprinting requirements met.

If the family has previously adopted a child, this adoption status should be verified.

Medical reports of recent examinations (within a year) will verify health status.

Any other information pertinent to the family group which indicates that it should be verified should be considered, such as residence, citizenship, etc.

## **VIII.**

### **DEPARTMENT'S EVALUATION**



In conclusion, the Department of Children's Services, through its authorized representative, has investigated the conditions and antecedents of the child to determine his/her adoptability and the suitability of the petitioner's home for your review and consideration in relation to this \_\_\_\_\_ hearing.

Then give statement why placement appears sound and for the best interests of the child, or if otherwise, why.

If it is indicated that petition may be (or should be) dismissed, set aside, etc., it is advisable that a statement of the agency's plan for the child's continued care be included here.

If this proposed adoption involves an interstate placement, provide a statement about whether or not there has been Interstate Compact on Placement of Children Compliance.

#### SIGNING THE REPORT

Respectfully submitted,

(Name)  
Case Manager

(Name)  
Team Leader

**Work Aid: OUTLINE FOR SUPPLEMENTAL COURT REPORT**

(Use Legal Size Paper)

Format:

CONFIDENTIAL \_\_\_\_\_ COURT REPORT TO  
THE HONORABLE \_\_\_\_\_ JUDGE OF THE CIRCUIT COURT  
(OR CHANCELLOR OF THE CHANCERY COURT) FOR \_\_\_\_\_ COUNTY.

**I.**

**IDENTIFYING INFORMATION**

<b><u>The Petition of:</u></b>	<b><u>Birth Date</u></b>	<b><u>Race</u></b>	<b><u>Sex</u></b>	<b><u>Relationship</u></b>
--------------------------------	--------------------------	--------------------	-------------------	----------------------------

John Franklin Doe	1/16/43	W	M	None
Mary Ann Baker Doe	2/08/41	W	M	None
169 Wharf Avenue				
Bishop, TN 37200				

**To Adopt:**

Child's Birth Name	4/10/78	W	F	None
(Child's Adoptive Name)				

<b><u>Date Petition Filed</u></b>	<b><u>Rule Number</u></b>	<b><u>Date Received in Area Office</u></b>	<b><u>Name of Attorney</u></b>
7/15/78	1223	7/19/78	Gordon & Long

**II.**

**CURRENT STATUS**

- Supply additional information not available at the time of the Preliminary Court Report.
- Give the court any information of which it should have knowledge when a change in circumstances develops.
- Provide information for the final hearing, submitted as near the date of the

final hearing as can be determined in each case, and containing:

- (1) Any changes of which the court should have knowledge.
- (2) An indication of whether or not the agency continues to regard this adoption as in the child's best interest.

### **III.**

#### **DEPARTMENT'S EVALUATION**

In conclusion, the Department of Children's Services, through its authorized representative, has investigated the conditions and antecedents of the child to determine his/her adoptability and the suitability of the petitioners' home for your review and consideration in relation to this \_\_\_\_\_ hearing.

Then give statement why placement appears sound and for the best interests of the child, or if otherwise, why.

If it is indicated that petition may be (or should be dismissed, set aside, etc.), it is advisable that a statement of the agency's plan for the child's continued care be included here.

#### **SIGNING THE REPORT**

Respectfully submitted

(Name)  
Case Manager

(Name)  
Team Leader

#### **IV. CONDUCTING SUPERVISORY VISITS**

**What:** Supervise the adoptive placement

**When:** As required until the court determines the final disposition of the petition

**Who:** Adoption Services Case Manager or Designated Staff

##### **Steps**

##### **1. Visits**

Visit the prospective adoptive home as often as is required, but at least once a quarter.

Supervision should focus on the following:

- Ensuring that all verifications are obtained for final court reports;
- Strengthening the parent/child relationship;
- Sharing/interpreting background information;
- Continually evaluating the appropriateness of the placement noting any changes that occur within the family.

##### **2. Intervention**

If there are abuse or neglect issues, refer to Child Protective Services for investigation.

If it becomes necessary to intervene in the adoption, complete a legal referral and submit to Area Legal Staff (WA: Outline for Recommending Intervention on Adoption Petition)

## **Work Aid: Outline for Recommending Intervention on ADOPTION PETITION**

Case Manager (Name)

Date:

1. Outline the following information about the adoption petition:

- court and county name;
- rule number (docket number);
- DCS code number;
- date the prospective adoptive family filed the petition;
- date the area office received the petition;
- date the preliminary court report was submitted.

2. Outline the following information about the adoptive parents:

- each parent's legal name, birth date, and current address;
- verification of the termination of any previous marriages and verification of the current marriage;
- verification of any children born to either parent in a previous marriage; present relationships between parent and children; information concerning child support;
- circumstances concerning present marital relationship, including dates of any separations;
- dates of contacts with the adoptive parents and services provided;
- evidence of mistreatment, abuse, neglect of the child named in the petition and the Child Abuse Review Team's/CPS's recommendation;
- verification of court records (police/sheriff office, Circuit Court, Criminal Court records) to determine if either parent has been arrested and/or convicted of any violation and fingerprinting clearances;
- documentation regarding the adoptive parents' financial status;

- documentation regarding the adoptive parents' physical/mental health;
- documentation regarding either of the petitioner's receiving a dishonorable discharge from the Armed Services, including verifying information;
- any other information about the adoptive parents that has a bearing on the case and is not included in the above information; provide verification.

3. Outline the following information about the child:

- full legal name of the child;
- photostatic copy of the child's birth certificate;
- legal status of the child when the petition was filed, including full legal name(s) of parent(s), how parental rights were terminated, and the date of termination;
- date and circumstances of the child's placement;
- evidence concerning the child's physical and emotional care in the petitioner's home;
- DCS's plan for the child.

4. Provide evidence needed to substantiate DCS's intervention. Provide the names and addresses of persons who may be subpoenaed as witnesses and a brief statement about what each person could testify. Identify how the witness is related to or knows the petitioner (e.g., next door neighbor).

\_\_\_\_\_  
Case Manager

\_\_\_\_\_  
Date

Approved: \_\_\_\_\_  
Team Leader

\_\_\_\_\_  
Date

cc: Case Record

Original to Area Legal Staff

## **V. FINALIZING THE ADOPTION**

**What:** Provide services necessary to finalize the adoption

**When:** Just prior to and at the time of finalization

**Who:** Adoption Services Case Manager or Designated Staff

### **Steps**

- |   |   |
|---|---|
| <b>1. Obtaining Consent of Child 14 Years Old/Older</b> | Discuss the child's required consent with the adoptive family, and the child, as appropriate. (CR: Policy 15.1 Adoptive Placement Considerations) |
| <b>2. Submit Final Court Report</b>                     | Submit Final Court Report (CR: Conducting a Preliminary Home Study)   |
| <b>3. Certificate of Birth by Adoption</b>              | (CR: Providing for the Issuance of a New Birth Certificate by Adoption)   |
| <b>4. Report Finalization of the Adoption</b>           | (CR: Reporting Finalization of the Adoption)  |
| <b>5. Prepare Record for Permanent Filing</b>           | (CR: Preparing the Record for Permanent Filing)   |

**NOTE:** Any birth/legal parent and relative correspondence received prior to the finalization of the adoption should be maintained in the sealed adoption record. After finalization, any correspondence received should be forwarded to Post Adoption Services, Central Office.

## **POST ADOPTION SERVICES FOR ACCESS TO INFORMATION**

The Department of Children's Services offers post adoption services for:

- adult adopted persons;
- adoptive parents on behalf of a minor adopted person;
- adoption services case managers on behalf of a minor adopted person;
- certain member(s) of an adopted person's birth family/adopted family.

DCS provides post adoption services for individuals involving adoptions which were finalized, or adoptions which were filed and were dismissed or not completed and the record was closed or, where the record or other evidence demonstrates that a person was surrendered for adoption prior to March 16, 1951 or any adoption records maintained at anytime by the Tennessee Children's Home Society, either before or after March 16, 1951.

Records will be made available to:

- The adopted person twenty-one (21) years of age or older;
- The adopted person's birth/adoptive/step or legal parent twenty-one (21) years of age or older;
- The adopted person's birth or adoptive siblings twenty-one (21) years of age or older;
- The adopted person's lineal descendants/lineal ancestors twenty-one (21) years of age or older;
- The legal representatives of any person listed above.

Such records will include:

- sealed adoption records;
- post-adoption records;
- court records;
- adoption agency records;
- Department of Health Vital Records;

The area office staff who receive written requests for service from an adult adopted person, adoptive parents of a minor adopted person, or a member of the birth family/adoptive family are responsible for forwarding the requests to the Post Adoption Section, Central Office for a response. In some cases, Central Office staff may ask area office staff to assist in:

- exploring leads (any information to help identify the birth family or adoptive family);



- making contacts with specific individuals;
- obtaining information related to the adoption;

DCS must adhere closely to the adoption law regarding closed adoption records when providing post adoption services in order to protect all involved parties.

**NOTE:** A request for a service will be processed in the order in which it is received except in situations of life threatening medical emergencies affecting the health, safety, or welfare of any person(s) or because of a medically terminal circumstance involving the requesting party. Upon documentation from the treating physician the Department, in its sole discretion, may take a particular request out of the order in which it is received.

## Legal Base

TCA 36-1-102, 36-1-127 thru 36-1-141, 36-1-301 thru 36-1-305

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## **I. PROVIDING NON-IDENTIFYING INFORMATION PAS100 ... Providing Non-Identifying Information**

**What:** Provide non-identifying information to an eligible person eighteen (18) years of age or older

**When:** Upon receipt of an eligible person's written request for information and receipt of fee or fee waiver (as determined by Central Office staff)

**Who:** Central Office Post Adoption Program Specialist

### **Steps:**

#### **1. Acknowledgment**

Acknowledge receipt of the request. Check to see that the request:

- is written and signed by the eligible person;
- includes the adopted person's full legal or birth name and date of birth;
- lists the full names of both adoptive parents or birth parents;
- specifies the information being requested.

Eligible persons include the following:

- an adopted person eighteen (18) years of age or older;
- adoptive parents or guardian of an adopted person under eighteen (18) years of age;
- the adopted person's birth/legal/adoptive parent or step-parent;
- the adopted person's birth or adoptive siblings;
- the adopted person's lineal descendants;
- the adopted person's birth or legal grandparent of any degree;
- the adopted person's birth or legal aunts

and uncles of any degree;

- the adopted person's birth or legal first cousin;
- the legal representative of any person listed above.

## **2. Sealed Record**

Verify that a sealed record of the adoption is on file.

## **3. Receipt of Fee/Fee Waiver**

Upon receipt of fee/fee waiver:

- advise requesting person procedure for submitting fee;
- fee waiver determinations will be made upon the request of the person requesting service;
- fee waivers based on a request include the requesting person's family unit being currently eligible for: Food Stamps, Temporary Assistance for Needy Families (TANF), Medicaid (TennCare) or Supplemental Security Income (SSI);
- A sworn declaration may be completed and the fee waived if the requesting person's family unit's income does not exceed the current Federal Poverty Guidelines and non-exempt resources do not exceed \$1,000.00.

## **4. Response**

After opening the record, prepare and send the eligible person a written report of the following available non-identifying information:

- adoptive person's date and time of birth, weight and other physical characteristics at birth;
- age of birth relatives at time of adopted person's birth;

- nationality, ethnic background, race and religious preference of adopted person's birth or legal relatives;
- educational level, general occupation, talents or hobbies of adopted person's birth or legal relatives;
- general physical description of adopted person's birth or legal relatives;
- the above information regarding birth/legal siblings of the adopted person;
- any available health history of the adopted person, or adopted person's legal or birth relatives.

**NOTE:** The Adoption Law does not authorize release of any information contained in the Adoptive Home Study.

## **II. RELEASING NON-IDENTIFYING INFORMATION FOR MINOR ADOPTED PERSON WHO COMES INTO AGENCY GUARDIANSHIP/CUSTODY**

**What:** Release non-identifying information for a minor adopted person to a case manager

**When:** Upon receipt of a written request from a Case Manager at the agency that holds guardianship/custody of the minor

**Who:** Central Office Post Adoption Program Specialist

### **Steps:**

#### **1. Acknowledgment**

Acknowledge receipt of the written request for non-identifying information from a Case Manager at the agency that holds guardianship/custody of a minor adoptee. Check to see that the request:

- is written and signed by the case manager;
- includes the adopted person's full name and date of birth;
- lists the full names of both adoptive parents;
- specifies the information being requested;
- includes the legal document/surrender verifying the child is in the custody/guardianship of the agency.

#### **2. Sealed Record**

Verify that a sealed record of the adoption is on file.

#### **3. Response**

After opening the record, prepare and send the case manager a written report of the following available non-identifying information.

Information which may be released from the record may include:

- adoptive person's date and time of birth, weight and other physical characteristics at birth;

- age of birth relatives at time of adopted person's birth;
- nationality, ethnic background, race and religious preference of adopted person's birth or legal relatives;
- educational level, general occupation, talents or hobbies of adopted person's birth or legal relatives;
- general physical description of adopted person's birth or legal relatives;
- the above information regarding birth/legal siblings of the adopted person;
- any available health history of the adopted person, or adopted person's legal or birth relatives.

**NOTE:** The Adoption Law does not authorize release of any information contained in the Adoptive Home Study.

### **III. TRANSMITTING MEDICAL INFORMATION REQUESTED AFTER FINALIZATION OF THE ADOPTION**

**What:** Provide updated medical information

**When:** Upon receipt of a written request for additional or updated information for a medically established need from a licensed health care professional or from a licensed health care facility which explains the health care status of person being treated and why the additional or updated information is needed

**Who:** Central Office Post Adoption Program Specialist

#### **Steps:**

- 1. Sealed Record**

After receiving the request for updated medical information (and all available medical reports), verify that a sealed record of the adoption exists.
- 2. Contact Persons**

The Department shall, at no charge, contact the persons who have access to or who have or may have knowledge of such information and shall request that the persons provide such information to the Department for transmittal to the treating professionals or health care facility of the requesting party. Information released does not include any identifying information.
- 3. Release Of Information**

Such information shall be provided to the Department by means of a specific release for a stated purpose and the release shall be time limited.
- 4. Eligible Persons**

Eligible persons who may request updated medical information are:

  - adopted person age eighteen (18) years of age or older;
  - adoptive parents of an adopted person under eighteen (18) years of age;
  - any birth or legal relative of an adopted person age eighteen (18) years of age or older;



- the legal representative of any person listed above.

**NOTE:** Updated medical information will not be sought for or from an alleged parent or relative.

#### **IV. RELEASING MEDICAL INFORMATION RECEIVED AFTER FINALIZATION OF THE ADOPTION PAS201 Releasing Medical Information Received After Finalization of the Adoption**

**What:** Release non-identifying medical information to an eligible person

**When:** Upon receipt of written information from a licensed health care professional or from a licensed health care facility which explains the health care status of persons who may be affected and why the transmission of such information to other persons is necessary.

**Who:** Central Office Post Adoption Program Specialist.

##### **Steps**

- 1. Sealed Record** After receiving the medical information (and all available medical reports), verify that a sealed record of the adoption exists.
- 2. Conduct Search** Conduct a diligent search for the person or persons who may be affected and, if located, notify them, their parents, if applicable, or their legal representatives, if applicable, of the availability of and the nature of this information.
- 3. Release Information** Those persons may request in writing that the information be provided to them. Information released does not contain any identifying information.
- 4. Maintaining Information** Copies of all such updated information shall be maintained in the post-adoption record for future use.
- 5. Eligible Persons** Eligible persons who may provide updated medical information are:
  - adopted person age eighteen (18) years of age or older;
  - adoptive parents of an adopted person under eighteen (18) years of age;
  - any birth or legal relative of an adopted person age eighteen (18) years of age or older;

- the legal representative of any person listed above.

**NOTE:** The alleged parent/relative is not an eligible person for transmittal of updated medical information.

## **V. PROVIDING ACCESS TO RECORDS FOR AN ELIGIBLE PERSON FOR ADOPTIONS PRIOR TO MARCH 16, 1951 AND ALL TENNESSEE CHILDREN'S HOME SOCIETY RECORDS**

**What:** Provide access to records for an eligible person

**When:** Upon a receipt of a written request from an eligible person and receipt of fee or fee waiver for service to be determined by Central Office staff

**Who:** Central Office Post Adoption Program Specialist

### **Steps:**

- 1. Acknowledgement Of Request From Adopted Person**

Acknowledge receipt of the request. Check to see that request is written and signed by the adopted person and includes;

  - full adoptive name and if married, married name;
  - birthdate;
  - full names of both adoptive parents.
- 2. Acknowledgement Of Request From Adoptive Relatives**

Acknowledge receipt of the request. Check to see that the request is written and signed by the requesting person and includes:

  - adopted person's full adoptive name and if married, married name;
  - adopted person's birthdate;
  - full names of both adoptive parents;
  - full name and date of birth of requesting person;
  - relationship to the adopted person.
- 3. Acknowledgement Of Request From Birth Relatives**

Acknowledge receipt of the request. Check to see that the request is written and signed by the requesting person and includes:

  - adopted person's full birth name;

- adopted person's birthdate and place of birth (county, city, state);
- full name of both birth parents;
- full name and date of birth of requesting person;
- relationship to the adopted person.

**NOTE:** All requests must be dated and contain an address and a telephone number.

#### 4. Receipt of Fee/Fee Waiver

Upon receipt of fee/fee waiver:

- advise requesting person procedure for submitting fee;
- fee waiver determinations will be made upon the request of the person requesting service;
- fee waivers based on a request include the requesting person's family unit being currently eligible for: Food Stamps, Temporary Assistance for Needy Families (TANF), Medicaid (TennCare) or Supplemental Security Income (SSI);
- A sworn declaration may be completed and the fee waived if the requesting person's family unit's income does not exceed the current Federal Poverty Guidelines and non-exempt resources do not exceed \$1,000.00.

#### 5. Determine Eligibility

Determine that the requesting person is an eligible person based on information in the sealed agency record and information provided by the requesting person:

- an adopted person twenty-one (21) years of age or older;
- the adopted person's birth/adoptive/step or legal parent twenty-one (21) years of age or

older;

- the adopted person's birth or adoptive siblings twenty-one (21) years of age or older;
- the adopted person's lineal descendants or lineal ancestors twenty-one (21) years of age or older;
- the legal representative of any person listed above.

Determine that the record meets one of the following guidelines:

- any adoption attempted, finalized, or dismissed prior to March 16, 1951;
- any evidence demonstrating that a person was surrendered for adoption prior to March 16, 1951;
- any records maintained at any time by the Tennessee Children's Home Society;
- any agency records which were established on an individual directly from the Tennessee Children's Home Society.

**NOTE:** When no record is on file, DCS will search for records of the adoption when provided sufficient information to identify the court and/or agency.

## **6. Access Records**

Advise requesting person in writing of eligibility to access records.

Eligible person may review agency and post adoption records by appointment.

Copy of agency and post adoption records provided at eligible person's request.

Provide written authorization of eligibility to access other sources of information.

**NOTE:** The adoption law does not authorize release of any information contained in the adoptive home study or any information that is crisis pregnancy counseling.

## **VI. PROVIDING ACCESS TO RECORDS FOR AN ELIGIBLE PERSON FOR ADOPTIONS FINALIZED ON OR AFTER MARCH 16, 1951**

**What:** Provide access to records for an eligible person

**When:** Upon a receipt of a written service request from an eligible person and receipt of fee or fee waiver (to be determined by Central Office staff)

**Who:** Central Office Post Adoption Program Specialist

### **Steps:**

- 1. Acknowledgement Of Request From Adopted Person**

Acknowledge receipt of the request. Check to see that request is written and signed by the adopted person and includes:

  - full adoptive name and if married, married name;
  - birthdate;
  - full names of both adoptive parents.
- 2. Acknowledgement Of Request From Adoptive Relatives**

Acknowledge receipt of the request. Check to see that the request is written and signed by the requesting person and includes:

  - adopted person's full adoptive name and if married, married name;
  - adopted person's birthdate;
  - full names of both adoptive parents;
  - full name and date of birth of requesting person;
  - relationship to the adopted person.
- 3. Acknowledgement Of Request From Birth Relatives**

Acknowledge receipt of the request. Check to see that the request is written and signed by the requesting person and includes:

  - adopted person's full birth name;
  - adopted person's birthdate and place of



birth (county, city, state);

- full name of both birth parents;
- full name and date of birth of requesting person;
- relationship to the adopted person.

**NOTE:** All requests must be dated and contain the address and telephone number.

#### **4. Receipt of Fee/Fee Waiver**

Upon receipt of fee/fee waiver:

- advise requesting person procedure for submitting fee;
- fee waiver determinations will be made upon the request of the person requesting service;
- fee waivers based on a request include the requesting person's family unit being currently eligible for: Food Stamps, Temporary Assistance for Needy Families (TANF), Medicaid (TennCare) or Supplemental Security Income (SSI);
- A sworn declaration may be completed and the fee waived if the requesting person's family unit's income does not exceed the current Federal Poverty Guidelines and non-exempt resources do not exceed \$1,000.00.

#### **5. Determine Eligibility**

Determine that the requesting person is an eligible person based on information in the sealed agency record and information provided by the requesting person.

- an adopted person twenty-one (21) years of age or older;
- the adopted person's birth/adoptive/step or legal parent is twenty-one (21) years of age

or older;

- the adopted person's lineal descendants or lineal ancestors twenty-one (21) years of age or older;
- the legal representatives of any person listed above.

Determine that the record meets one of the following guidelines:

- an adoption or attempted adoption where the adoption petition was filed on or after March 16, 1951;
- an adoption which was finalized or dismissed on or after March 16, 1951;
- surrender/termination of parental rights was on or after March 16, 1951.

**NOTE:** When no record is on file, DCS will search for records of the adoption when provided sufficient information to identify the court and/or agency.

Determine the following criteria:

- The adopted person must consent for all other persons to access the record;
- The birth mother must consent to the release of the records when the adopted person's birth was the result of rape or incest;
- A person whose parental rights were involuntarily terminated for cause, or their relatives, cannot access the record;
- A person guilty of a crime of violence or neglect against the adopted person cannot access the record;

- All persons must sign a sworn statement agreeing he or she shall not contact or attempt to contact in any manner, by themselves or in concert with any other persons or entities, any of the persons eligible to file a contact veto.

## 6. Access Records

Advise requesting person in writing of eligibility to access records.

Eligible person may review agency and post adoption records by appointment.

Copy of agency or post adoption records provided at eligible person's request.  
Provide written authorization of eligibility to access other sources of information provided eligible person.

**NOTE:** The adoption law does not authorize release of any information contained in the adoptive home study or any information that is crisis pregnancy counseling.

## **VII. PROVIDING SERVICES PURSUANT TO A REQUEST FOR CONTACT**

**What:** Search for an eligible individual with whom contact is requested by an individual eligible to have access to adoption records.

**When:** Upon receipt of the sworn statement listing the class of individuals with whom contact is desired and receipt of fee or fee waiver for service (to be determined by Central Office staff).

**Who:** Central Office Post Adoption Program Specialist

### **Steps:**

1. **Acknowledgement** Acknowledge receipt of the request. Review to determine if request for contact is with persons eligible to file with the Contact Veto Registry:

- Birth and adoptive parents;
- Birth and adoptive siblings;
- Lineal ancestor of the adopted person;
- Lineal descendant of the adopted person;
- Spouse of the adopted person;
- The legal representative of any persons listed above.

**NOTE:** The adopted person is not required to file with the Contact Veto Registry.

2. **Review Contact Veto Registry**

Search Registry to determine if the person with whom contact is desired has filed.

If the person has filed on the Registry:

- notify the person of desired contact;
- give the person the opportunity to vary or withdraw registration;
- notice of permission or denial for contact is sent to the person requesting contact.

If the person has not filed with the Registry:

- conduct a diligent search for the person;
- give the person the opportunity to file with the Registry;
- notice of permission or denial for contact is sent to the person requesting contact.

### **3. Failure to Locate**

If the person with whom contact is sought cannot be located after a diligent search, the requesting person will be sent notification by DCS and will be under no further restrictions against contact with the person who has been sought.

## **VIII. PROVIDING SERVICES PURSUANT TO A REQUEST TO REGISTER WITH THE CONTACT VETO REGISTRY**

**What:** Register a person's willingness or unwillingness for contact with eligible persons who seek contact with them

**When:** Upon receipt of a completed Contact Veto Registration Form and receipt of fee or fee waiver (to be determined by Central Office Staff)

**Who:** Central Office Post Adoption Program Specialist

### **Steps:**

#### **1. Request for Service**

Requests for Contact Veto Registry may be made by telephone, in writing or in person to the Post Adoption Services, Central Office.

Forms will be made available to requesting persons.

Proof of identity must be provided.

A fee must accompany the completed form.

#### **2. Registration**

Acknowledge receipt of the request.

Review the form to ensure that the form has been completed accurately and contains all required information and original signature.

Enter information on the system.

Send a copy of the form to requesting person with acknowledgment of services completed.

## **IX. PROVIDING SERVICES PURSUANT TO A REQUEST TO REGISTER WITH THE ADVANCED NOTICE REGISTRY**

**What:** Register a person's desire to receive advance notification prior to the release of adoption records

**When:** Upon receipt of a completed advanced notice registration form and receipt of fee or fee waiver (to be determined by Central Office staff)

**Who:** Central Office Post Adoption Program Specialist

### **Steps:**

#### **1. Eligibility**

The following people are eligible to file with the Advance Notice Registry:

- The adopted person 21 years of age or older;
- The adopted person's birth/adoptive/step or legal parent 21 years of age or older;
- The adopted person's birth or adoptive siblings 21 years of age or older;
- The adopted person's lineal ancestors 21 years of age or older;
- The adopted person's lineal descendants 21 years of age or older;
- The legal representatives of any of these persons.

#### **2. Request for Service**

Requests for Advanced Notice Registry may be made by telephone, in writing or in person to Post Adoption Services, Central Office.

Forms will be made available to requesting persons.

Proof of identity must be provided.

A fee must accompany the completed form.

#### **3. Registration**

Acknowledge receipt of the request.

Review the form to ensure that the form has been completed accurately and contains all required information and original signature.

Enter information on the system.

Send a copy of the form to requesting person with acknowledgment of services completed.

#### **4. Notification**

The person filing with the Advance Notice Registry will only be notified of the impending release of records when such records contain identifying information about the filing person and the filing person meets all of the eligibility requirements.

Notification of the impending release of records will be sent by certified mail, (return receipt requested) at the address of the most recent form filed with the Registry.

Release of records will be delayed 15 days from the date of mailing the notice of impending release of records.



## **X.     RELEASING INFORMATION UPON COURT ORDER**

**What:**     Release designated identifying information.

**When:**    Upon receipt of a court order

**Who:**     Central Office Post Adoption Program Specialist

### **Steps:**

- |                                 |  |
|---------------------------------|--|
| <b>1. Sealed Record</b>         | Open the sealed record to verify the adoption and the appropriate court.               |
| <b>2. Requested Information</b> | Provide, in writing, the information as ordered by the court to the designated person. |

## **XI. FORWARDING REQUESTS TO THE CENTRAL OFFICE**

**What:** Forward written requests received in an area office to the Post Adoption Services, Central Office.

**When:** Upon receipt of a request for service

**Who:** Area Office Staff/Central Office Post Adoption Program Specialist

### **Steps:**

- 1. Adult Adopted Person Referral** Include in the initial referral to the Post Adoption Services, Central Office the following information:
  - adopted person's current name, adoptive name, and date of birth;
  - full names of both adoptive parents;
  - specific information being requested and/or provided;
  - address of the individual to whom the program specialist is to write to acknowledge the request.
  
- 2. Birth Family Referral** Include in the referral to the Post Adoption Services, Central Office the following information:
  - adopted person's birth name, date, and place of birth;
  - both birth parents' full names and marital status at adopted person's birth;
  - birth relationship of the individual making the request to the adopted person;
  - specific information being requested and/or provided by the relative;
  - address of the individual to whom the program specialist is to write to acknowledge the request.

### **3. Legal Family Referral**

Include in the initial referral to the Post Adoption Services, Central Office the following information:

- adopted person's full adoptive name and date of birth;
- relationship of the individual making the request to the adopted person;
- full names of both adoptive parents;
- specific information being requested and/or provided;
- address of the individual to whom the program specialist is to write to acknowledge the request.

## **XII. POST ADOPTION INQUIRY FILES MAINTENANCE**

**What:** DCS maintains a file of all written contacts or inquiries received from and/or in behalf of an adopted person

**When:** After sealing an adoption record and upon receipt of a written request for service or inquiry

**Who:** Central Office Post Adoption Program Specialist

### **Steps:**

#### **1. Case file**

A post adoption case file will be established and maintained in Central Office at any point a written inquiry or request for service is received.

**XIII.        RELEASING INFORMATION FOR THE TRANSFER OF SOCIAL SECURITY BENEFITS, VETERANS BENEFITS, OR OTHER BENEFITS FROM BIRTH PARENTS**

**What:**     Provide to a DCS area office the information necessary for the transfer of a minor adopted person's benefits to the adoptive parent(s) or to an adult adopted person.

**When:**    After receiving a written request for the information from the area office.

**Who:**     Central Office Post Adoption Program Specialist.

**Steps:**

- |                                  |  |
|----------------------------------|--|
| <b>1. Retrieve Sealed Record</b> | Review record to identify relationship of adopted person and wage earner, veteran or beneficiary. Obtain necessary information from record.                        |
| <b>2. Response</b>               | Submit in writing to the area office the information regarding the wage earner, veteran or beneficiary (name and social security number or VA claim number, etc.). |